



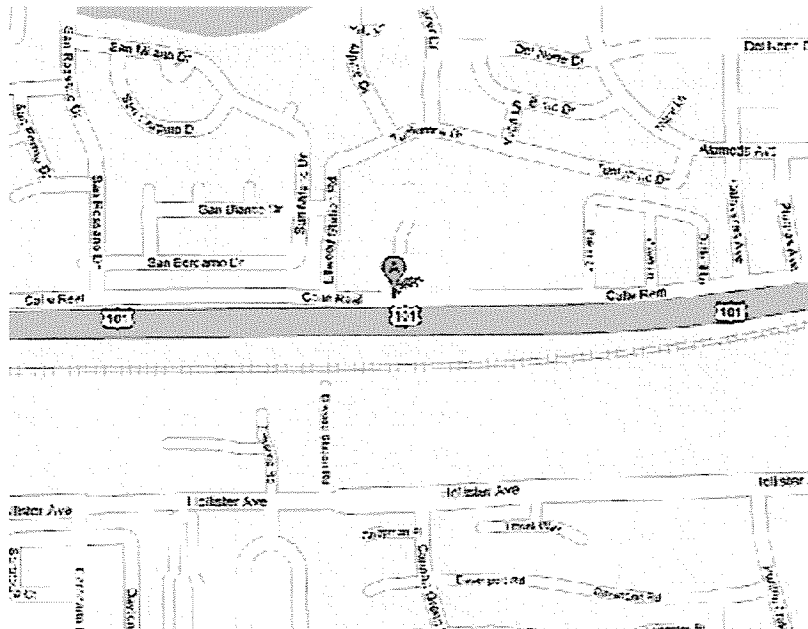
**REPORT DATE:** March 18, 2008

**TO:** Planning Commission Chair and Members

**FROM:** Steve Chase, Planning and Environmental Services Director

**CONTACT:** Patricia S. Miller, Manager, Current Planning  
Cindy Moore, Senior Planner

**SUBJECT:** 04-226-TM, -DP; Citrus Village located at 7388 Calle Real; 077-490-043



## RECOMMENDATION

The Planning Commission's action should include the following:

1. Adopt Planning Commission Resolution 09-\_\_\_ (Attachment 1), entitled "A Resolution of the Planning Commission of the City of Goleta Approving the Final Mitigated Negative Declaration (07-MND-004) and Accepting the Addendum Dated March 18, 2009 to the Mitigated Negative Declaration and Adopting CEQA Findings and a Mitigation Monitoring and Reporting Program for the Citrus Village Project; Case No. 04-226-TM, -DP; 7388 Calle Real, APN 077-490-043".

- 2. Adopt Planning Commission Resolution 09-\_\_\_\_ (Attachment 2), entitled "A Resolution of the Planning Commission of the City of Goleta Approving a Vesting Tentative Tract Map (TM 32,027) for Condominium Purposes and a Final Development Plan for the Citrus Village Project; Case No. 04-226-TM, -DP; 7388 Calle Real; APN 077-490-043".

Refer back to staff for appropriate findings, if the Planning Commission takes other than the recommended action.

**APPLICANT/AGENT**

Detlev Peikert  
 Representing 7388 Calle Real, LLC  
 Peikert Group Architects  
 10 East Figueroa Street, Suite 1  
 Santa Barbara, CA 93101

**REQUEST**

A hearing on the request of Detlev Peikert, representing 7388 Calle Real, LLC, property owner, to consider the Citrus Village project including a one-lot subdivision for airspace condominium purposes under Chapter 21, Subdivision Regulations; construction of 12 residential units within three buildings, associated infrastructure, and common open space under Chapter 35, Article III, Section 35-317; in the DR- Design Residential zone district. The request is also to adopt the proposed Final Mitigated Negative Declaration and accept the Addendum dated March 18, 2009 (pursuant to Section 15074 of the State Guidelines for the Implementation of CEQA). The property is located at 7388 Calle Real. APN 077-490-043.

Application Filed:	November 29, 2004
Application Complete:	February 2, 2006
Processing Deadline:	60 Days from approval of the Mitigated Negative Declaration and acceptance of the Addendum dated March 18, 2009

**JURISDICTION**

The Vesting Tentative Tract Map and Development Plan are being considered by the Planning Commission under the provisions of the City of Goleta Municipal Code, Chapter 21 Section 21-6, and Chapter 35, Article III Section 35-317.2.4. When two or more applications are submitted that relate to the same project, pursuant to either Chapter 21 or Chapter 35, and the applications would be under the separate jurisdictions of more than one decision-maker, all applications for the project shall be heard by the decision-maker with the highest jurisdiction for the entitlements requested. The Planning Commission is the decision-maker for this case.

## PROJECT DESCRIPTION

The proposed Citrus Village development would involve two components: 1) a one lot subdivision requiring a tract map, and 2) the subsequent development of multi-family housing units (condominiums) and associated amenities as part of a Final Development Plan.

### Vesting Tentative Tract Map (04-226-TM):

Per proposed Tentative Tract Map 32,027, the project would include a one lot subdivision of the 0.94-acre property for airspace condominium purposes. The proposed map is attached.

### Final Development Plan (04-226-DP):

The revised project includes a request to allow the construction of 12 residential condominiums within three 3-story structures arranged along the east side of the property and oriented towards the Brookside residential condominium development to the east (Buildings A-C). The maximum height would be 33'6". Each unit would include a detached 248 gross square foot single car garage separated from the rear of each unit by private open space areas that range from 150-180 square feet. The total structural development including garages would be 20,772 gross square feet. The total building footprint would be 9,752 square feet (24% of the site). The project site plan depicting the layout of the proposed development is shown on Sheet A1.

Building A would contain three, 3-bedroom market rate units and one affordable 2-bedroom unit (1,059 – 1,613 gross square feet), Building B would contain four 3-bedroom market rate units (1,610 – 1,672 gross square feet), and Building C would contain two 3-bedroom market rate units (1,613 – 1,672 square feet), one affordable 2-bedroom unit (980 square feet), and one 2-bedroom market rate unit (1,123 square feet). All units would have natural gas fireplaces. Floor plans for the units are shown on Sheets A4 – A6.

The architectural style is described as California Craftsman vernacular including hip roofs with exposed rafter tails, wooden brackets and gable pediment decoration, shutter and vinyl clad wood windows, canvas awnings, stone treatments, and built-up columns with cement plaster finishes. Building elevations showing the structural design are provided on Sheets A7 – A9 and site elevations are shown on Sheet A10. An aerial view of the proposed project and photo-realistic perspectives are shown on Sheets A11 – A12.

### Access and Parking

A single access to and from the condominiums would be provided from Calle Real. The minimum 24-foot wide drive aisle to the west of the garages would include a hammerhead turnaround for emergency vehicles near the lot between Buildings B and C. Parking would include 12 single car garage parking spaces and 24 uncovered spaces, most of which would be located along the western property boundary, for a total of 36 parking spaces. A common trash enclosure would be provided adjacent to these spaces across from Building B. The driveway and parking area would encompass an area of approximately 11,563 square feet (28% of the site). Parking spaces are depicted on Sheet A1.

The project would include an offer to dedicate back to the City an approximately 4,016 square foot right of way area along the Calle Real frontage for roadway purposes.

#### Grading and Drainage

The site would require approximately 1,720 cubic yards of cut and 50 cubic yards of fill, including 1,670 cubic yards of export. A 4' tall screen wall would be constructed along the southern property boundary, exclusive of the drive aisle entrance. A retaining wall and 5' screen wall would be constructed along the length of the western property boundary and the western portion of the northern property boundary the width of the parking spaces and drive aisle. A 40" railing would run along side almost the entire length of the eastern property boundary between unit 2 in Building A to unit 12 in Building C. A 6' sound wall would be constructed on either side of the eastern entrance to the tot lot area. Storm water runoff would be directed to landscaped areas, bioswales, and the storm drains equipped with cleaning inserts for all catch basins. A detention basin is proposed south of Building A east of the drive aisle to retain the difference in the stormwater runoff from the pre-development condition to the post-development condition during a 25-year storm event. Swales that drain to drop inlets are proposed along the northern property boundary, between buildings, as well as along the western property which drains to the detention basin. The Preliminary Grading and Drainage Plan is shown on Sheet C1.

#### Landscaping

A landscape plan for the site depicts a mixture of native, drought tolerant trees, shrubs and groundcovers. Project perimeter and internal landscaping is proposed to screen and soften views of the buildings. Landscaping would occur within the common open space areas as well as the private yards. Private landscaped yards would cover approximately 2,084 square feet of the site (5%). A preliminary Landscape Plan is depicted on Sheet A2.

Common open space would total approximately 17,344 square feet (42% of the site) exclusive of the right-of-way area to be dedicated back to the City for transportation purposes, and includes a tot-lot play area. Common open space is depicted on Sheet A3.

#### Modifications Requested

The proposal includes requests for modifications to certain standards of the Article III, Inland Zoning Ordinance, as follows:

- A modification for zero lot line on all attached units, rather than the 10 feet required. (Section 35-222.8.2).
- A modification from the required parking design to allow vehicles to encroach into the private street when backing out. (Section 35-262.3(d)).
- A modification from the required minimum perimeter landscaping to allow 6'6" rather than the 10 feet required. (Section 35-322.13.4)

Application of State Density Bonus Law

The proposed project includes a request for application of State Density Bonus Law (Government Code §65915 *et. seq*) relative to the granting of one incentive for the provision of two affordable units. The 11 condominium units with associated garages and common open space over 0.94 acres would result in a density of approximately 11.7 dwelling units per gross acre. With the addition of one density bonus unit, the density would be 12.77 dwelling units per gross acre, which exceeds the maximum allowed density of 12.3 dwelling units per gross acre in the zone district, but which is allowed under the State Density Bonus program. The proposal includes a request for granting of one concession related to private outdoor patio area requirements per City Code §35-292(f).4(1), Density Bonus for Affordable Housing Projects, Development Incentives<sup>1</sup>. The private outdoor patio area would range from 10 – 15% of the gross floor area (rather than 20%).

**BACKGROUND**

*El Encanto Apartment Project*

On August 13, 2001, the County of Santa Barbara Board of Supervisors took final action to approve the El Encanto Apartment project on the subject property. The El Encanto Apartment project was a 16-unit, 100% affordable project that was never constructed. Entitlements for the project expired five years after approval by the Board of Supervisors, or August 13, 2006.

*Offer to Dedicate*

The proposed project includes an offer to dedicate back to the City of Goleta an approximately 4,016 square foot area along the frontage of Calle Real for roadway purposes envisioned in the Transportation Element of the General Plan. This area had been vacated by the County of Santa Barbara as part of the previously approved El Encanto Apartment project. Please note that pursuant to the terms set forth in Exhibit B of the Grant Deed for the vacated area, the City has the right to re-enter and retake possession of the vacated area if the El Encanto Apartments project is not built.

**PROJECT INFORMATION**

<b>Site Information</b>	
General Plan Land Use Designation	Planned Residential
Ordinance, Zoning District	Article III, Design Residential (DR-12.3)
Site Size	0.94 acres
Present Development &	Vacant, undeveloped land

<sup>1</sup> A reduction in site development standards or a modification of zoning requirements, including but not limited to a reduction of the minimum open space requirement to 30%, allowing zero side yard setbacks throughout the development, building height, distance between buildings, setbacks, parking, building coverage, screening, or a reduction in architectural design requirements which exceed minimum building code standards.

Site Information	
Use	
Surrounding Zoning/Uses	<i>North:</i> Multi-Family and Single-Family Residential <i>South:</i> Transportation Facilities (Calle Real/US HWY 101) <i>East:</i> Multi-Family Residential <i>West:</i> Shopping Center / Offices (Padre Shopping Center)

**ANALYSIS**

***Environmental Analysis***

Pursuant to the State *Guidelines for the Implementation of CEQA*, a Draft and proposed Final Mitigated Negative Declaration (MND) were prepared for the originally proposed 11 unit project. The Draft MND was released to the public on December 21, 2007 for a 30-day review period. Upon completion of the public review and comment period for the MND, staff released the proposed Final MND on August 15, 2008, ten days prior to the Planning Commission’s scheduled consideration of the project. The applicant submitted a revised 9-unit project on June 11, 2008. An Addendum to the MND dated August 15, 2008 was prepared to address the changes in environmental effects associated with the revised project. As a result of the revised project, no changes to impacts described in the MND were anticipated.

*Planning Commission Review*

On August 25, 2008, the Planning Commission reviewed the revised nine unit project and voted to continue the item to September 8, 2008, with direction to the applicant to submit a redesign which addressed concerns related to, among other things, affordable units, compatibility with adjacent uses, lighting, and parking. At the September 8, 2008 hearing, the Planning Commission directed the applicant to move forward with consideration of a 12 unit alternative plan, to include review by the Design Review Board (DRB) with the ability for the applicant and DRB to consider a 10 unit alternative plan if the 12 unit alternative plan is found to be problematic during the review process, and continued the item to the November 10, 2008 Planning Commission hearing. At the November 10, 2008 hearing, the Planning Commission expressed support for moving the 12 unit alternative plan forward with direction to install story poles at the site and continued the item for further review at a special meeting of the Planning Commission on January 26, 2009. At the January 26, 2009 hearing the item was taken off calendar to be rescheduled at a later date because the story pole installation had been delayed. Story poles were installed onsite from January 27 to January 29, 2009. Minutes from the Planning Commission hearings are included in Attachment 7.

The proposed Final MND and Addendum dated March 18, 2009 are provided with this staff report as Attachments 3 and 4, respectively. All applicable mitigation measures have been incorporated into recommended conditions of approval set forth in Attachment 2, Exhibit 2. Potentially significant impacts were identified in the following areas: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Hazards and Hazardous Materials, Hydrology/Water Quality, Noise, Transportation/Traffic, and Utilities/Service Systems.

The following is a brief summary of the impacts associated with the Citrus Village project.

**Aesthetics:** Potentially significant impacts were identified including construction related trash, neighborhood compatibility, views, and light and glare that could be adverse to neighboring properties and the vicinity. Mitigation for these impacts includes provision of trash collection during construction, submittal of final improvement plans identifying landscaping that is appropriately sized and located to screen and soften the visual impacts of buildings fronting Calle Real, as well as screen the HVAC equipment and utility connections, and use of "dark sky" lighting principles.

**Air Quality:** Short term air quality impacts were identified due to non-attainment of State and Federal air quality standards for PM<sub>10</sub> and ozone within the South Coast Air Basin. Emissions from construction equipment pose a potentially significant but mitigable air quality impact. Mitigation measures to address these impacts include dust control and construction site and equipment management measures. Mitigation measures to require provision of ventilation systems to remove particulate matter and an air quality disclosure statement to potential buyers of units are recommended to further reduce risks associated with freeway related vehicular emissions.

**Biological Resources:** Potentially significant impacts were identified related to disruption of nesting birds of prey as an off-site, indirect impact during construction. Mitigation measures to address this impact include pre-construction surveys and establishing limits of construction to avoid disturbance of nest sites.

**Cultural Resources:** Although there have been no previous archaeological or paleontological discoveries onsite, there is a chance that resources may be found during construction. Therefore, the project was considered to have a potentially significant impact on cultural resources. Should any material be found during site disturbance, monitors would be called to determine the nature of this material and advise mitigation in the field.

**Geology/Soils:** Potentially significant impacts were identified related to erosion and the removal of fill material and expansive soils without proper shoring. Implementation of requirements identified in a Final Geotechnical and Engineering Geology report related to excavation, recompaction, removal and replacement of fill materials and expansive soils, and the use of measures identified in the Hydrology/Water Quality section discussed below, would mitigate these impacts.

**Hazards and Hazardous Materials:** The project site is not identified as being hazardous under Government Code Section 65962.5, but the adjacent parcel to the west was previously identified as a contaminated site due to gasoline leaking into the soil. The adjacent site has since been remediated in accordance with state Regional Water Quality Control Board standards.

The state Department of Toxic Substances Control (DTSC) conducted soil sampling in September 2007 in response to a citizen complaint regarding the presence of hazardous

materials in fill material. DTSC identified the presence of polynuclear aromatic hydrocarbons (PAHs). DTSC determined the site would not pose a risk to human health and the environment, but recommended that the soil around this sampling location be removed during grading and confirmation sampling be conducted.

The Santa Barbara County Fire Prevention Division (FPD), LUFT/SMU Program staff reviewed the DTSC sampling results and determined that the vertical and lateral extent of the PAHs has not been defined. Site preparation activities may expose workers to contaminated soils. The resulting exposure would be considered potentially significant. Compliance with measures required by FPD prior to map recordation, including Phase I and Phase II Environmental Site Assessments/Workplan would mitigate these impacts. Potentially significant impacts related to the possibility of radon gas exposure at levels exceeding EPA guidelines would be mitigated by preparation of a radon report including recommendations to mitigate any exposure prior to approval of a land use permit.

**Hydrology/Water Quality:** Potentially significant impacts related to the increase in erosion potential during construction, water quality degradation, and an increase in impervious surfaces for the project were identified. This would be mitigated through the use of bioswales, filters in catch basins, retention of runoff from the project, and use of best management techniques during construction.

**Noise:** Potentially significant impacts related to noise were identified in the MND. Exterior noise levels pose a potentially significant impact to future residents. Mitigation measures to reduce interior and exterior sound levels to acceptable levels require implementation of the construction techniques recommended in the noise study be incorporated into the design. Construction activities may pose a potentially significant short-term impact in the immediate vicinity. Mitigation measures for this include notification of contiguous property owners of the construction schedule and a limitation on construction hours, no construction on holidays, and shielding of construction equipment and location thereof at a minimum of 1,600 feet from sensitive receptors.

**Transportation/Traffic:** The project is not expected to have any project specific peak hour traffic impacts. However, potentially significant impacts related to emergency access and short term construction parking were identified. To ensure a 24-foot wide emergency access is maintained, mitigation measures require installation of no parking signage and rolled red painted curbs along the drive aisle. To preclude construction related parking or staging from occurring on Calle Real or Ellwood Station Road, a mitigation measure requires preparation of a construction vehicle parking plan including equipment/materials staging for both on and offsite locations prior to approval of a land use permit. Payment of the Goleta Transportation Improvement fees would be required to address the project's contribution to cumulative traffic impacts. Provision of onsite bike parking and striping of Calle Real for bike lanes are recommended mitigation measures to encourage use of alternative transportation and reduce trip generation.

**Utilities/Service Systems:** Potentially significant impacts were identified in relation to the project's need for water and sewage treatment capacity. The Goleta West Sanitary District (GWSD) has issued a Sewer Service Availability letter for the proposed project. Similarly, the applicant has obtained a Water Classification letter from Goleta Water



District (GWD), but a firm commitment and reservation of a capacity has not yet been secured. Mitigation measures to address these impacts include securing a final "Can and Will Serve" determination for water service by the GWD and a Sewer Service Connection Permit from the GWSD prior to map recordation.

### ***General Plan Consistency Analysis***

A summary of the project's consistency with applicable General Plan/Coastal Land Use Plan policies is provided in Attachment 5 of this staff report. The proposed project was found to be consistent with all applicable policies. The discussion below highlights some of the consistency analysis issues.

#### *Floor Area Ratio*

The applicable land use table for the proposed project, Table 2-1, Allowable Uses and Standards for Residential Use Categories, states a recommended maximum residential floor area ratio (FAR) of 0.30 for the Planned Residential Land Use Designation.

The intent of the Planned Residential land use designation is to allow flexibility and encourage innovation and diversity in design of residential developments. The General Plan states that this is accomplished by allowing a wide range of densities and housing types while requiring provision of a substantial amount of open space and other common amenities within new developments. Clustering of residential units is encouraged where appropriate to provide efficient use of space while preserving natural, cultural, and scenic resources of a site. Planned residential areas may also function as a transition between business uses and single-family residential neighborhoods. This designation permits single-family detached and attached dwellings, duplexes, apartments in multi-unit structures, and accessory uses customarily associated with residences. This designation is intended to provide for development of residential units at densities ranging from 5.01 units per acre to 13.0 units per acre.

The applicant proposes a FAR of 0.51 with 12 residential condominiums within three 3-story structures and three detached garage buildings each containing 4 single car garages. The bulk, mass, and scale of the project would be greater than the surrounding commercial and residential uses, but would function as a transition between business uses and single-family residential neighborhoods. While the proposed project FAR would exceed the recommended FAR standards outlined in Land Use Element Table 2-1, per Table 2-1, the recommended standards for building intensity may be revised by a Resolution of the decision-making body based upon a finding of good cause. Per the GP/CLUP Glossary, good cause is:

"defined as a better site or architectural design, will result in better resource protection, will provide a significant community benefit and/or does not create an adverse impact to the community character, aesthetics or public views.

This good cause finding can be made based on:

- a. The supportive comments received from the DRB for the architectural design including the two-bedroom, two-story units placed at either ends to soften the building mass adjacent to Calle Real on the south and the adjacent condominium development to the north, and the movement of units away from the west property line and adjacent commercial uses;
- b. The inclusion of two moderate income affordable units.

#### *Production of New Affordable Housing*

The General Plan Housing Element includes policies intended to provide incentives to encourage the development of long-term affordable housing due to the City's limited supply of land for such new residential development.

Policy HE 10.1 Density Bonuses and Other Incentives for Affordable Housing Developments states:

*"The City will use density bonuses and other incentives consistent with state law to help achieve housing goals while ensuring that potential impacts are considered and mitigated. The City will consider the following possible incentives for residential developments where the applicant requests a density bonus over the maximum otherwise allowable residential density under the applicable zoning regulations and proposes to include the appropriate percentages of very low, low-, and/or moderate-income units on site or donate an appropriate amount of land for affordable residential development:*

- a. *State Density Bonus Law. Continue to offer density bonuses and incentives or concessions consistent with the State Density Bonus law (California Government Code Section 65915).*
- b. *Streamlined Development Review. Affordable housing developments shall receive the highest priority, and efforts will be made by staff and decision makers to (1) provide technical assistance to potential affordable housing developers in processing requirements, including community involvement; (2) consider project funding and timing needs in the processing and review of the application; and (3) provide the fastest turnaround time possible in determining application completeness."*

Policy HE 10.2 Long-Term Housing Affordability Controls states:

*"The City will apply resale controls and rent and income restrictions for the longest term allowed by applicable law to ensure that affordable housing provided through incentives and as a condition of development approval remains affordable to the income group for which it is intended."*

The proposed project includes a request for application of State Density Bonus Law (Government Code §65915 et. seq) and the granting of one incentive for the provision of

two affordable units. The 11 condominium units with associated garages and common open space over 0.94 acres would result in a density of approximately 11.7 dwelling units per gross acre. With the addition of one density bonus unit, the density would be 12.77 dwelling units per gross acre, which exceeds the maximum allowed density of 12.3 dwelling units per gross acre in the zone district, but which is allowed under the State Density Bonus program. The proposal includes a request for granting of one concession related to private outdoor patio area requirements per City Code §35-292(f).4(1), Density Bonus for Affordable Housing Projects, Development Incentives. The private outdoor patio area would range from 10 – 15% of the gross floor area (rather than 20%). Conditions of approval require the affordable units be subject to a 55-year resale restriction.

### ***Zoning Ordinance Consistency Analysis***

An analysis of the proposed project's consistency with the City of Goleta Inland Zoning Ordinance is included in Attachment 6. Pursuant to §35-317.8, Development Plans, at the time a Final Development Plan is approved, the decision-maker may modify the building height limit, distance between buildings, setback, yard, parking, building coverage, landscaping or screening requirements specified in the applicable zone district when the decision-maker finds that such modifications are justified. Requested modifications to the zone district requirements are summarized in the project description above and staff supports the granting of requested modifications.

### ***Design Review Board***

#### *Prior to Planning Commission Review*

The DRB considered the originally proposed 11 unit project for conceptual review on March 21, 2006 and May 2, 2006, and the revised 9 unit project for conceptual review on July 8, 2008.

At the meeting of July 8, 2008, the DRB completed conceptual review of the 9 unit project noting that the elimination of two units is an improvement, the architecture is handsome, the use of permeable pavement is appreciated, the addition of items such as landscaping and a solid wall on the western property line to provide additional privacy for residents from the adjacent commercial activities is suggested, final review of landscaping to ensure screening of utilities and use of appropriate lighting will be necessary, and that there was concern about adequate visitor parking. The DRB continued the item to the Planning Commission with comments including, as a recommendation in the motion, "support for an applicant request to the Planning Commission with regard to the concept of giving credit for common open space on smaller projects based upon private space being provided by ordinance that is not given credit as common open space, so as to be able to fit more parking on the site".

As discussed above, Pursuant to §35-317.8, Development Plans, at the time a Final Development Plan is approved, the decision-maker may modify the building height limit, distance between buildings, setback, yard, parking, building coverage, landscaping or screening requirements specified in the applicable zone district when the decision-

maker finds that such modifications are justified. However, modifications to the amount of required common open space are not permitted in the zoning ordinance with the exception of qualified Affordable Housing Overlay or Density Bonus affordable housing projects which may reduce the common open space to 30% of the gross acreage. An ordinance amendment would be needed in order to reduce the amount of common open space required in the DR zone district. It should be noted that the project exceeds the required number of parking spaces per the zoning ordinance and no modifications are being requested by the applicant in this regard. Nor has the applicant requested to reduce the common open space shown to add additional parking spaces.

Section 35-222.14 of the Design Residential zone district lists additional requirements for condominiums that may be applied by the Planning Commission, including the provision of private outdoor patio areas or upper balconies that is at least 20% of the gross floor area of the residence served. As noted previously, the applicant is requesting a concession for the reduction of this private open space pursuant to the State Density Bonus program to provide 10-15% rather than the 20% required.

#### *Post-Planning Commission Review*

The DRB considered the revised 12 unit project for conceptual review on October 14, 2008. The DRB comments included support for the architectural style but expressed concern that the site plan appears dense and that an 11 unit project may be more appropriate, support for the location of two-bedroom units at the ends of Buildings A and C to soften the roof form and building mass along Calle Real and to the adjacent condominium development on the north, support for a central trash collection area, did not support a reduction in parking, and appreciated the movement of units away from the west property line.

The project is required to receive preliminary and final approval by the DRB prior to approval of a land use permit. Minutes from the DRB meetings are included in Attachment 8.

#### **GGMO**

The Goleta Growth Management Ordinance (GGMO) applies only to non-residential development. Since the proposed project involves only residential development, the provisions of the GGMO are not applicable to this project.

#### **SUMMARY AND CONCLUSION**

The request includes applications for:


- a Tentative Tract Map for a one-lot subdivision for airspace condominium purposes;
- a Development Plan for implementation of the 12-unit Citrus Village project.

Project environmental impacts can all be mitigated to a less than significant level. CEQA findings and permit findings can all be made as shown in the attachments to this staff report. The proposed project would provide two moderate income affordable units, frontage improvements, traffic improvements, development impact fees, additional residential units available for purchase, and increased property taxes to the City of Goleta. For these reasons, staff recommends approval of the proposed Citrus Village project.

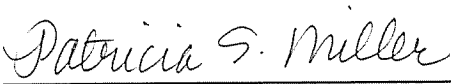
## APPEALS PROCEDURE

The action of the Planning Commission may be appealed to the City Council within ten (10) calendar days from the date of the Commission's final action. If you challenge the City's final action in court, you may be limited to raising only those issues you or someone else raised in written correspondence or oral testimony given to the Planning Commission.

Submitted By:

  
Cindy Moore  
Senior Planner

Approved By:

  
Patricia S. Miller  
Planning Commission Secretary

## ATTACHMENTS:

1. Planning Commission Resolution 09-\_\_\_\_; CEQA Resolution
2. Planning Commission Resolution 09-\_\_\_\_; Vesting Tentative Tract Map and Development Plan Resolution for the Citrus Village Project
3. Proposed Final Mitigated Negative Declaration (August 2008)
4. Addendum dated March 18, 2009
5. General Plan Consistency Analysis
6. Zoning Ordinance Consistency Analysis
7. Planning Commission Hearing Minutes
8. Aesthetics: DRB Minutes and Story Pole Photographs
9. Project Plans

ATTACHMENT 1

PLANNING COMMISSION RESOLUTION 09 - \_\_\_\_

CEQA RESOLUTION

RESOLUTION NO. 09-\_\_

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GOLETA APPROVING THE FINAL MITIGATED NEGATIVE DECLARATION (07-MND-004) AND ACCEPTING THE ADDENDUM DATED MARCH 18, 2009 TO THE MITIGATED NEGATIVE DECLARATION AND ADOPTING CEQA FINDINGS AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE CITRUS VILLAGE PROJECT; CASE NO. 04-226-TM, -DP; 7388 CALLE REAL, APN 077-490-043**

**WHEREAS**, an application was submitted on November 29, 2004 by Detlev Peikert, representing 7388 Calle Real, LLC requesting approval of a Vesting Tentative Tract Map, a Final Development Plan, and a Road Naming; and

**WHEREAS**, the application was found complete for processing on February 2, 2006; and

**WHEREAS**, the application was originally for a Vesting Tentative Tract Map for a one lot subdivision for condominium purposes, a development plan to allow for construction of 11 residential condominium units, associated infrastructure and common open space, and a road naming of Citrus Village Court for the private drive; and

**WHEREAS**, it was determined that the proposed project, inclusive of all of its various components, was subject to the California Environmental Quality Act, that one or more significant effects on the environment may occur, and that preparation of a Mitigated Negative Declaration (MND) would be required;

**WHEREAS**, a Draft MND was prepared by Envicom Corporation under contract to the City of Goleta and was released for public review between December 21, 2007 and January 22, 2008;

**WHEREAS**, a total of 5 letters or written statements were received on the Draft MND;

**WHEREAS**, in response to written public comments received, a proposed Final MND was released on August 15, 2008, pursuant to the requirements of the State and City CEQA Guidelines; and

**WHEREAS**, the project was revised on June 11, 2008 to include a Vesting Tentative Tract Map for a one lot subdivision for condominium purposes, a development plan to allow for construction of nine residential condominium units, associated infrastructure and common open space, and a road naming of Citrus Village Court for the private drive; and

**WHEREAS**, an Addendum to the Final MND, dated August 15, 2008, was prepared for the revised nine unit project; and

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on the nine unit project application on August 25, 2008, at which time all interested persons were given an opportunity to be heard and the Planning Commission directed the applicant to submit a redesign addressing compatibility with adjacent uses, lighting, and parking issues, and continued the hearing to September 8, 2009; and

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on the project application on September 8, 2008 at which time all interested persons were given an opportunity to be heard and the Planning Commission directed the applicant to move forward with a 12 unit alternative plan and to include review by the Design Review Board (DRB), with the ability for the applicant and DRB to consider a 10 unit alternative plan if the 12 unit alternative plan is found to be problematic within the review process and continued the item to November 10, 2008; and

**WHEREAS**, the Design Review Board reviewed the project at a duly noticed public hearing on October 14, 2008 at which time all interested persons were given an opportunity to be heard and the DRB completed conceptual review of the 12 unit alternative plan; and

**WHEREAS**, the project was revised on October 20, 2008 to include a Vesting Tentative Tract Map for a one lot subdivision for condominium purposes, and a development plan to allow for construction of 12 residential condominium units, associated infrastructure and common open space; and

**WHEREAS**, the Santa Barbara County Fire Department does not require a road naming for the alternative plan; and

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on the project application on November 10, 2008 at which time all interested persons were given an opportunity to be heard and the Planning Commission supported moving the project forward with the 12 unit alternative plan and directed the applicant to install story poles onsite; and

**WHEREAS**, the story pole installation was duly noticed and story poles were installed onsite for three days from January 27 through January 29, 2009; and

**WHEREAS**, an Addendum to the Final MND, dated March 18, 2009, was prepared for the revised 12 unit project; and



**WHEREAS**, the Planning Commission has considered the entire administrative record, including the staff reports, the Draft and Final MND, including comments, the Addendum dated March 18, 2009, the application materials, story pole installation, and oral and written testimony from interested persons; and

**WHEREAS**, the Planning Commission finds that approval of the Mitigated Negative Declaration and acceptance of the Addendum dated March 18, 2009 for the Citrus Village project would be based on its ability to make the required findings, including findings pursuant to the California Environmental Quality Act (CEQA).

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF GOLETA AS FOLLOWS:**

**SECTION 1. Recitals**

The Planning Commission hereby finds and determines the foregoing recitals, which are incorporated herein by reference, are true and correct.

**SECTION 2. Approval of the Final Mitigated Negative Declaration (007-MND-004)**

The Planning Commission has examined the proposed Final Mitigated Negative Declaration, including the comments on the Draft MND received during the public review process, and finds that the Final Mitigated Negative Declaration has been prepared in compliance with the requirements of CEQA including direct, indirect, and cumulatively significant effects and proposed mitigation measures; and hereby certifies that the Final Mitigated Negative Declaration constitutes a complete, accurate, adequate, and good faith effort at full disclosure, and reflects the City of Goleta's independent judgment and analysis pursuant to Section 15090 of the State CEQA Guidelines.

**SECTION 3. Acceptance of the Addendum**

The Planning Commission finds that the Addendum dated March 18, 2009 describes the revised project and identifies changes to the CEQA analysis presented in the Final Mitigated Negative Declaration. The revised project does not result in any of the conditions described in Section 15162 or Section 15163 of the State CEQA Guidelines calling for a new MND. Specifically, changes in the project and changes associated with the circumstances under which the project is undertaken do not result in major revisions to the MND and do not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There is no new information of substantial importance

that would result in new significant effects or a substantial increase in the severity of previously identified significant effects. Additionally, there are no new feasible mitigation measures or alternatives considerably different from those analyzed in the MND that are now available. The Addendum dated March 18, 2009 has been completed in compliance with State CEQA Guidelines Section 15164 and has been presented to the Planning Commission along with the Final MND. The Commission has reviewed and considered the information in the Final MND and Addendum prior to taking action on the project. The Planning Commission hereby approves the Final MND and Addendum dated March 18, 2009 for the Citrus Village project.

#### **SECTION 4. CEQA Findings**

The Planning Commission finds that the proposed project mitigates environmental impacts to the maximum extent feasible, and changes and alterations intended to avoid or substantially lessen the significant environmental effects identified in the Mitigated Negative Declaration (007-MND-004) and Addendum dated March 18, 2009, have been incorporated as required conditions of approval where feasible, pursuant to Section 15090 of the State CEQA Guidelines.

#### **SECTION 5. Mitigation Monitoring and Reporting Program**

Public Resources Code Section 21081.6 (State CEQA Guidelines Section 15097) requires that the City adopt reporting or monitoring programs for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The procedures for mitigation monitoring and verification are described for each mitigation measure in the Final MND. The approved project description, the mitigation measures as described in the Final MND and Addendum dated March 18, 2009, and the conditions of approval, with their corresponding permit monitoring requirements (including Condition Compliance Program), are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

#### **SECTION 6. Documents**

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the City Clerk, City of Goleta, 130 Cremona Drive, Suite B, Goleta, California, 93117.

**SECTION 7.        Certification**

The City Clerk shall certify to the adoption of this resolution.

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
BRENT DANIELS, CHAIR

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
DEBORAH CONSTANTINO  
CITY CLERK

\_\_\_\_\_  
TIM W. GILES  
CITY ATTORNEY

STATE OF CALIFORNIA                    )  
COUNTY OF SANTA BARBARA        )  
CITY OF GOLETA                        )        ss.

I, DEBORAH CONSTANTINO, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing Planning Commission Resolution No. 09-\_\_ was duly adopted by the Planning Commission of the City of Goleta at a regular meeting held on the \_\_\_ day of \_\_\_\_\_, 2009, by the following vote of the Commission members:

AYES:

NOES:

ABSENT:

(SEAL)

\_\_\_\_\_  
DEBORAH CONSTANTINO  
CITY CLERK

ATTACHMENT 2

PLANNING COMMISSION RESOLUTION 09 - \_\_\_\_

VESTING TENTATIVE TRACT MAP AND DEVELOPMENT PLAN  
RESOLUTION FOR THE CITRUS VILLAGE PROJECT

**PLANNING COMMISSION  
RESOLUTION NO. 09-\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GOLETA  
APPROVING A VESTING TENTATIVE TRACT MAP (TM 32,027) FOR  
CONDOMINIUM PURPOSES AND A FINAL DEVELOPMENT PLAN FOR THE  
CITRUS VILLAGE RESIDENTIAL PROJECT; CASE NO. 04-226-TM, -DP; 7388  
CALLE REAL; APN 077-490-043**

**WHEREAS**, an application was submitted on November 29, 2004 by Detlev Peikert, representing 7388 Calle Real, LLC requesting approval of a Vesting Tentative Tract Map, a Final Development Plan, and a Road Naming; and

**WHEREAS**, the application was found complete for processing on February 2, 2006; and

**WHEREAS**, the application was originally for a Vesting Tentative Tract Map for a one lot subdivision for condominium purposes, a development plan to allow for construction of 11 residential condominium units, associated infrastructure and common open space, and a road naming of Citrus Village Court for the private drive; and

**WHEREAS**, the application is now for a Vesting Tentative Tract Map for a one lot subdivision for condominium purposes, a development plan to allow for construction of 12 residential condominium units, associated infrastructure and common open space; and

**WHEREAS**, the procedures for processing the project application have been followed as required by state and local laws; and

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on the project application on August 25, September 8, November 10, 2008, and March 23, 2009 at which time all interested persons were given an opportunity to be heard; and

**WHEREAS**, the Santa Barbara County Fire Department does not require a road naming for the 12 unit alternative plan; and

**WHEREAS**, the story pole installation was duly noticed and story poles were installed onsite for three days from January 27 through January 29, 2009; and

**WHEREAS**, the Planning Commission has considered the entire administrative record, including application materials, the staff reports, the Draft and Final MND, including comments, the Addendum dated March 18, 2009, the story pole installation, and oral and written testimony from interested persons; and

**WHEREAS**, the Planning Commission finds that approval of Case No. 04-226-TM, -DP would be consistent with the City's General Plan, the provisions of the Chapter 21 Subdivision Regulations, Article III, Chapter 35 of the Goleta Municipal Code (the Inland Zoning Ordinance), and the ability to make the required findings, including findings pursuant to the California Environmental Quality Act (CEQA).

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF GOLETA AS FOLLOWS:**

**SECTION 1.            Approval of the Vesting Tentative Tract Map (32,027)**

The Planning Commission hereby adopts the findings for the Vesting Tentative Tract Map (32,027) set forth in Exhibit 1 and conditions set forth in Exhibit 2 of this resolution pursuant to Section 66474 of the State Subdivision Map Act and Section 21-8, Chapter 21 of the Goleta Municipal Code.

**SECTION 2.            Approval of the Development Plan (04-226-DP)**

The Planning Commission hereby adopts the findings for the Development Plan set forth in Exhibit 1 and conditions set forth in Exhibit 2 of this resolution pursuant to Section 35-317 of Chapter 35, Article III, the Inland Zoning Ordinance, of the Goleta Municipal Code. This adoption includes the "good cause" findings for exception to the recommended floor area ratio identified in the General Plan, Table 2-1, for the R-P Planned Residential land use designation.

**SECTION 3.            Documents**

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the City Clerk, City of Goleta, 130 Cremona Drive, Suite B, Goleta, California, 93117.

**SECTION 4.            Certification**

The City Clerk shall certify to the adoption of this resolution.

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
BRENT DANIELS, CHAIR

**ATTEST:**

**APPROVED AS TO FORM:**

---

DEBORAH CONSTANTINO  
CITY CLERK

---

TIM W. GILES  
CITY ATTORNEY



STATE OF CALIFORNIA                    )  
COUNTY OF SANTA BARBARA         )     ss.  
CITY OF GOLETA                         )

I, DEBORAH CONSTANTINO, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing Planning Commission Resolution No. 09-\_\_ was duly adopted by the Planning Commission of the City of Goleta at a regular meeting held on the 23rd day of March, 2009, by the following vote of the Commission members:

AYES:

NOES:

ABSENT:

(SEAL)

\_\_\_\_\_  
DEBORAH CONSTANTINO  
CITY CLERK

**EXHIBIT 1  
FINDINGS**

**CITRUS VILLAGE RESIDENTIAL PROJECT  
VESTING TENTATIVE TRACT MAP TM 32,027 AND  
FINAL DEVELOPMENT PLAN;  
CASE NO. 04-226-TM, -DP;  
7388 CALLE REAL; APN 077-490-043**

**ADMINISTRATIVE FINDINGS**

**1.0 Vesting Tentative Tract Map (TM 32,027):** Pursuant to Section 66474 of the State Subdivision Map Act and Chapter 21, Subdivision Regulations, of the Goleta Municipal Code, a Vesting Tentative Tract Map shall be approved only if all of the following findings can be made:

1.1 *The proposed map is consistent with applicable general and specific plans.*

The proposed one-lot subdivision for condominium purposes is fully consistent with the General Plan's Planned Residential land use designation of the property as well as General Plan policies for provision of adequate access and infrastructure, protection of environmental resources, and provision of additional housing units to the City's existing housing supply. With approval of requested modifications, the proposed project would comply with other applicable requirements of state law and local ordinances as identified in the staff report. There is no specific plan that applies to the subject property. Therefore, the proposed use can be found to be consistent with the General Plan.

1.2 *That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.*

As conditioned, the design of the proposed subdivision is consistent with the applicable General Plan policies including the General Plan's land use designation of Planned Residential, policies regarding the provision of adequate infrastructure and public facilities/services to serve such development, policies for the provision of adequate access, policies for protection of sensitive environmental resources, and policies for aesthetically pleasing design. There is no specific plan that applies to the subject property.

1.3 *That the site is physically suitable for the type of development.*

The topography, geologic conditions, and availability of necessary infrastructure are such that the site is physically suitable for buildout of the 12 unit Citrus Village residential project, including proposed structures, parking, landscaping, and amenities. The site's generally flat topography does not contain slopes that would adversely affect the proposed development. The appropriate water and sanitary districts would serve the property. Access to the residential development would be provided from Calle Real and the private drive design has been approved by the Fire Department.

The project site is located within an urban area surrounded by commercial and residential uses. The project can be constructed in this location in compliance with the recommended conditions of approval. Therefore, the site is physically suitable for the type of development proposed.

1.4 *That the site is physically suitable for the proposed density of development.*

The parcel is zoned Design Residential, maximum 12.3 dwelling units per gross acre. The Design Residential zone district allows a wide range of densities and housing types while requiring provision of at least 40% of the net area of the property be devoted to common open space. The proposed residential development would be compatible with the surrounding area based upon nearby residential zoning. A parcel abutting the project site to the north and east is currently zoned Design Residential with a density of 8 dwelling units per gross acre.

The 11 condominium units with associated garages and common open space over 0.94 acres would result in a density of approximately 11.7 dwelling units per gross acre. With the addition of one density bonus unit, the density would be 12.77 dwelling units per gross acre. The provision of 36 parking spaces and 17,344 square feet (42%) common open space would exceed the DR zone district requirements. Therefore, the site is physically suitable for the density of development proposed.

1.5 *That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.*

With implementation of the mitigation measures outlined under the recommended conditions of approval, the design of the subdivision and accompanying improvements would not cause substantial damage to sensitive environmental resources or substantially and unavoidably injure fish or wildlife or their habitat.

- 1.6 *That the design of the subdivision or type of improvements are not likely to cause serious public health problems.*

The proposed land division and development of 12 condominium units with associated infrastructure and common open space is not expected to result in the use of substantial quantities of hazardous materials or result in activities that would have the potential to result in significant health and safety impacts. Goleta West Sanitary District and Goleta Water District will provide services. The project would have adequate police and fire protection services, and, as conditioned, the project would minimize impacts from freeway related vehicular emissions and noise by the installation of ventilation systems on all units, and a 6' sound wall on either side of the eastern entrance to the tot lot area between Buildings B and C. Therefore, the design of the subdivision or type of improvements are not likely to cause serious public health problems.

- 1.7 *That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.*

No conflict with public easements would occur with the proposed project. The project includes an offer to dedicate back to the City an approximately 4,016 square foot area of Calle Real for roadway purposes envisioned in the Transportation Element of the General Plan that was previously vacated by the County of Santa Barbara as part of the approved El Encanto Apartment project.

- 2.0 Final Development Plan:** Pursuant to Sections 35-222 and 35-317, of Article III, Chapter 35, of the Goleta Municipal Code (Inland Zoning Ordinance), a Preliminary or Final Development Plan shall be approved only if all of the following findings can be made:

- 2.1 *That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and intensity of development proposed.*

The project site is adequate in size, shape, location, and physical characteristics to accommodate the density and intensity of residential development proposed, including structures, parking, landscaping, and amenities necessary to accommodate project design. The Design Review Board was supportive of the project architecture, particularly the two-bedroom, two-story units placed at either ends to soften the building mass adjacent to Calle Real on the south and the adjacent condominium development to the north, and the movement of units away from the west property line. With the redesign, the request for granting of the

modifications related to a reduction in the amount of required open space, certain landscaping requirements, and a reduction in the number of required parking spaces is eliminated. The uncovered parking area and drive aisle located along the western portion of the property would remain open, maintaining a view corridor through the parcel to the backdrop of the foothills and Santa Ynez Mountain skyline.

The site's generally flat topography does not contain slopes that would adversely affect the proposed development. The appropriate water and sanitary districts would serve the property. Access to the residential development would be provided from Calle Real and the private drive design has been approved by the Fire Department. The project site is located within an urban area surrounded by commercial and residential uses. The scale and design of the Citrus Village project would allow it to function as a transition between business uses and single-family residential neighborhoods. The proposed residential development would be compatible with the surrounding area based upon nearby residential zoning on 8 units per acre. The 11 condominium units with associated garages and common open space over 0.94 acres would result in a density of approximately 11.7 dwelling units per gross acre. With the addition of one density bonus unit, the density would be 12.77 dwelling units per gross acre, which exceeds the maximum allowed density of 12.3 dwelling units per gross acre in the zone district, but which is allowed under the State Density Bonus program. The provision of 36 parking spaces and 17,344 square feet (42%) common open space would exceed the DR zone district requirements.

2.2 *That adverse impacts are mitigated to the maximum extent feasible.*

Potentially significant, adverse project generated impacts involving Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Hazards and Hazardous Materials, Hydrology/Water Quality, Noise, Transportation/Traffic, and Utilities/Service Systems would be reduced to less than significant levels through implementation of the mitigation measures identified under the recommended conditions of approval.

2.3 *That streets and highways are adequate and properly designed.*

Trip generation estimates calculated based on trip generation rates in the Institute of Transportation Engineers Manual indicate that the 12 unit residential development would generate approximately 6 PM peak hour trips. The addition of project-generated traffic would not exceed any adopted thresholds for project-specific or cumulative traffic impacts. Access to the residential development would be provided from Calle Real and the private drive design has been approved by the Fire Department.

All existing streets and highways serving the proposed project are adequate and properly designed and, subject to the improvements, dedication of the approximately 4,016 square foot area of Calle Real, and fee payments specified in conditions of approval, can feasibly accommodate the traffic generated by the project.

- 2.4 *That there are adequate public services, including but not limited to, fire protection, water supply, sewage disposal, and police protection to serve the project.*

The proposed project would be served by the Santa Barbara County Fire Department, the Goleta Water District, the Goleta West Sanitary District, and the City of Goleta Police Department. These agencies and districts have adequate personnel and capacity to serve proposed Citrus Village residential project.

- 2.5 *That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding areas.*

The proposed land division and development of 12 condominium units with associated infrastructure and common open space is not expected to result in the use of substantial quantities of hazardous materials or result in activities that would have the potential to result in significant health and safety impacts. Goleta West Sanitary District and Goleta Water District will provide services. The project would have adequate police and fire protection services, and, as conditioned, project design measures would minimize impacts from freeway related vehicular emissions and noise by the installation of ventilation systems on all units, and a 6' sound wall on either side of the eastern entrance to the tot lot area between Buildings B and C. Therefore, the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding areas.

- 2.6 *That the project is in conformance with 1) the General Plan and 2) the applicable provisions of this Article.*

With approval of the good cause finding, the project is in conformance with the Planned Residential land use designation and applicable policies of the City's General Plan as specified in Attachment 5 of the staff report dated March 18, 2009. With implementation of the mitigation measures identified in the recommended conditions of approval, the project would be consistent with General Plan policies regarding protection of environmentally sensitive resources, community aesthetics and visual quality, provision of adequate infrastructure and services to serve new development, and requirements for the provision of affordable housing

pursuant to the Housing Element of the General Plan. With approval of the requested modifications, the proposed project would be considered compliant with all applicable provisions of Article III, Chapter 35 of the Municipal Code (Inland Zoning Ordinance) as specified in Attachment 6 of the staff report dated March 18, 2009.

2.7 *That the project will not conflict with any easements required for public access through, or public use of a portion of the property.*

No conflict with public easements would occur with the proposed project. The proposed project includes an offer to dedicate back to the City an approximately 4,016 square foot area of Calle Real for roadway purposes envisioned in the Transportation Element of the General Plan that was previously vacated by the County of Santa Barbara as part of the approved El Encanto Apartment project.

**EXHIBIT 2**  
**CONDITIONS OF APPROVAL**  
**CITRUS VILLAGE PROJECT**  
**VESTING TENTATIVE MAP 32,027**  
**AND FINAL DEVELOPMENT PLAN**  
**(04-226-TM, -DP)**

1. **AUTHORIZATION:** This Vesting Tentative Map and Final Development Plan and the conditions set forth below authorize development proposed in Case Nos. 04-226-TM, -DP marked "Officially Accepted, March 23, 2009, Planning Commission Exhibits 1 - 9". Any deviations from the exhibits, project description, or conditions must be submitted to the City of Goleta for its review and approval. Deviations without the above-described approval will constitute a violation of the permit approval. The exhibits associated with this permit include:
  - Exhibit 1: Cover Sheet and Sheet Index prepared by Peikert Group Architects entitled Citrus Village, 7388 Calle Real, Goleta, California, dated October 20, 2008 (Sheet 0).
  - Exhibit 2: Site Plan prepared by Peikert Group Architects entitled Citrus Village, 7388 Calle Real, Goleta, California, dated October 20, 2008 (Sheet A1).
  - Exhibit 3: Landscape Plan and Common Open Space Plan prepared by Peikert Group Architects, dated October 20, 2008 (2 Sheets, A2 - A3).
  - Exhibit 4: Floor Plans for Buildings A, B, and C prepared by Peikert Group Architects dated October 20, 2008 (3 Sheets, A4 - A6)
  - Exhibit 5: Architectural and Site Elevations for Buildings A, B, and C prepared by Peikert Group Architects dated October 20, 2008 (4 Sheets, A7 – A10).
  - Exhibit 6: Aerial Photograph prepared by Peikert Group Architects dated October 20, 2008 (Sheet A11).
  - Exhibit 7: Perspectives prepared by Peikert Group Architects dated October 20, 2008 (Sheet A12).
  - Exhibit 8: Vesting Tentative Tract Map prepared by Penfield and Smith entitled Vesting Tentative Map 32,027 dated June 2008 (1 Sheet).
  - Exhibit 9: Subdivision Improvement Plans prepared by Peikert Group Architects entitled Preliminary Grading and Drainage Plan, Preliminary Utility Plan, Preliminary Erosion Control Plan and Preliminary Section Details dated October 20, 2008 (4 Sheets, C1 – C4).



2. **AUTHORIZED DEVELOPMENT:**

Vesting Tentative Tract Map (04-226-TM):

Per proposed Tentative Tract Map 32,027, the project includes a one lot subdivision of the 0.94-acre property for airspace condominium purposes.

Final Development Plan (04-226-DP):

The Final Development Plan allows the construction of 12 residential condominiums within three 3-story structures arranged along the east side of the property and oriented towards the Brookside residential condominium development to the east (Buildings A-C). The maximum height is 33'6". Each unit includes a detached 248 gross square foot single car garage separated from the rear of each unit by private open space areas that range from 150-180 square feet. The total structural development including garages is 20,772 gross square feet. The total building footprint is 9,752 square feet (24% of the site). The project site plan depicting the layout of the development is shown on Sheet A1.

Building A contains three, 3-bedroom market rate units and one affordable 2-bedroom unit (1,059 – 1,613 gross square feet), Building B contains four 3-bedroom market rate units (1,610 – 1,672 gross square feet), and Building C contains two 3-bedroom market rate units (1,613 – 1,672 square feet), one affordable 2-bedroom unit (980 square feet), and one 2-bedroom market rate unit (1,123 square feet). All units have natural gas fireplaces. Floor plans for the units are shown on Sheets A4 – A6.

The architectural style is described as California Craftsman vernacular including hip roofs with exposed rafter tails, wooden brackets and gable pediment decoration, shutter and vinyl clad wood windows, canvas awnings, stone treatments, and built-up columns with cement plaster finishes. Building elevations showing the structural design are provided on Sheets A7 – A9 and site elevations are shown on Sheet A10. An aerial view of the proposed project and photo-realistic perspectives are shown on Sheets A11 – A12.

**Access and Parking**

A single access to and from the condominiums is provided from Calle Real. The minimum 24-foot wide drive aisle to the west of the garages includes a hammerhead turnaround for emergency vehicles near the tot lot between Buildings B and C. Parking includes 12 single car garage parking spaces and 24 uncovered spaces, most of which are located along the western property boundary, for a total of 36 parking spaces. A common trash enclosure is provided adjacent to these spaces across from Building B. The driveway and parking area encompass area of approximately 11,563 square feet (28% of the site). Parking spaces are depicted on Sheet A1.

The project includes an offer to dedicate back to the City an approximately 4,016 square foot right of way area along the Calle Real frontage for roadway purposes.

#### Grading and Drainage

The site requires approximately 1,720 cubic yards of cut and 50 cubic yards of fill, including 1,670 cubic yards of export. A 4' tall screen wall will be constructed along the southern property boundary, exclusive of the drive aisle entrance. A retaining wall and 5' screen wall will be constructed along the length of the western property boundary and the western portion of the northern property boundary the width of the parking spaces and drive aisle. A 40" railing will run along side almost the entire length of the eastern property boundary between unit 2 in Building A to unit 12 in Building C. A 6' sound wall will be constructed on either side of the eastern entrance to the tot lot area. Storm water runoff is directed to landscaped areas, bioswales, and the storm drains equipped with cleaning inserts for all catch basins. A detention basin is located south of Building A east of the drive aisle to retain the difference in the stormwater runoff from the pre-development condition to the post-development condition during a 25-year storm event. Swales that drain to drop inlets are located along the northern property boundary, between buildings, as well as along the western property which drains to the detention basin. The Preliminary Grading and Drainage Plan is shown on Sheet C1.

#### Landscaping

A landscape plan for the site depicts a mixture of native, drought tolerant trees, shrubs and groundcovers. Project perimeter and internal landscaping will screen and soften views of the buildings. Landscaping will occur within the common open space areas as well as the private yards. Private landscaped yards will cover approximately 2,084 square feet of the site (5%). A preliminary Landscape Plan is depicted on Sheet A2.

Common open space totals approximately 17,344 square feet (42% of the site) exclusive of the right-of-way area to be dedicated back to the City for transportation purposes, and includes a tot-lot play area. Common open space is depicted on Sheet A3.

#### Modifications Requested

The proposal includes modifications to certain standards of the Article III, Inland Zoning Ordinance, as follows:

- A modification for zero lot line on all attached units, rather than the 10 feet required. (Section 35-222.8.2).

- A modification from the required parking design to allow vehicles to encroach into the private street when backing out. (Section 35-262.3(d)).
- A modification from the required minimum perimeter landscaping to allow 6'6" rather than the 10 feet required. (Section 35-322.13.4)

#### Application of State Density Bonus Law

The project includes an application of State Density Bonus Law (Government Code §65915 *et. seq*) relative to the granting of one incentive for the provision of two affordable units. The 11 condominium units with associated garages and common open space over 0.94 acres would result in a density of approximately 11.7 dwelling units per gross acre. With the addition of one density bonus unit, the density is 12.77 dwelling units per gross acre, which exceeds the maximum allowed density of 12.3 dwelling units per gross acre in the zone district, but which is allowed under the State Density Bonus program. The project includes the granting of one concession related to private outdoor patio area requirements per City Code §35-292(f).4(1), Density Bonus for Affordable Housing Projects, Development Incentives<sup>1</sup>. The private outdoor patio area would range from 10 – 15% of the gross floor area (rather than 20%).

The grading, development, use and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description in the staff report and the conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the City of Goleta.

#### **CONDITIONS REQUIRED PRIOR TO VESTING TENTATIVE TRACT MAP RECORDATION**

3. A minimum of two units shall be provided to moderate income households (80%-120% of median income) with the maximum price or rent levels established based upon 110% of the median income for moderate income units.

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<sup>1</sup> A reduction in site development standards or a modification of zoning requirements, including but not limited to a reduction of the minimum open space requirement to 30%, allowing zero side yard setbacks throughout the development, building height, distance between buildings, setbacks, parking, building coverage, screening, or a reduction in architectural design requirements which exceed minimum building code standards.

4. Required affordable units shall remain affordable for 55 (fifty-five) years and the compliance term shall restart with each subsequent sale of an affordable unit unless preempted by state or federal programs. The applicant shall enter into and record an Agreement to Provide Affordable Housing and shall record a Resale Restrictive Covenant and Preemptive Right. Both documents shall be subject to review and approval by the City of Goleta and City Attorney prior to recordation of the vesting tentative map. These documents shall specify affordability consistent with the terms described above and shall include provisions describing marketing and lottery requirements for the initial sale of units. Income eligibility of prospective purchasers/renters shall be determined by the City of Goleta or its designee and paid for by the developer. An intent to reside statement shall be required for potential owners/renters of the affordable units.
5. Construction of the affordable units shall be concurrent with the construction of the market rate units. Occupancy clearance for no more than 50% of the market rate units shall be allowed prior to occupancy clearance for all of the affordable units.

**Implementation and Timing:** Prior to land use permit approval, this requirement shall be included in the Agreement to Provide Affordable Housing and shall be printed on all grading and building plans.

**Monitoring:** Staff shall ensure compliance during construction.

6. Prior to land use permit approval, developer shall submit a plan for marketing the affordable units and selecting and qualifying the buyers, subject to review and approval by the Planning and Environmental Services Department and the City Attorney.
7. Developer shall provide written notice to all purchasers of lots or homes within the subdivision of the location and zoning for the affordable housing. The disclosure shall explicitly note that the housing may be developed for moderate income residents. Wording is subject to review and approval by the City of Goleta as part of the required CC&Rs.
8. Five copies of the final vesting tract map to implement the vesting tentative map and required review fees in effect at the time shall be submitted to Planning and Environmental Services for compliance review of conditions before Planning and Environmental Services will issue map clearance to the Surveyor. The map shall show statistics for net lot area (gross area less any public road right of way) and any open space.
9. Prior to recordation of the final vesting tract map, and subject to approval of the City of Goleta as to form and content, the applicant shall include all of the conditions, agreements, and/or plans associated with or required by this project approval on a separate informational sheet to be recorded with the final map.

10. Provisions shall be made for easements for common access, drainage, utilities and provisions for maintenance of any shared driveways. These provisions shall be subject to the review and approval of the Planning and Environmental Services Director and City Attorney prior to the recordation of the Final Map. Reservation of the easements for reciprocal access, drainage, utilities and maintenance for shared facilities for this subdivision shall be shown on the Final Map.
11. Prior to recordation of the final vesting tract map, the applicant shall submit a copy of proposed CC&Rs for review and approval by the City of Goleta. The CC&Rs shall at minimum provide for shared maintenance of common areas under the responsibility of the association of homeowners, including but not limited to, private roads, bioswales, fences, trails, retention basins, and landscaping. The CC&Rs shall also include by reference the responsibility for all lots to maintain property in compliance with all conditions of approval for the project. The CC&Rs shall include a "Notice of Airport in Vicinity" and a buyer notification regarding noise associated with adjacent businesses and aircraft overflight, as well as guidelines pertaining to the proper maintenance/replacement of the Minimum Efficiency Reporting Value "MERV13" filters. The City of Goleta shall be made party to the CC&Rs for any changes related to conditions of approval that may be considered subsequent to the adoption of CC&Rs.
12. Title to the common open space shall be held by a non-profit association of homeowners.
13. Prior to recordation of the final vesting tract map, public utility easements shall be provided at the locations and widths required by the serving utilities. The subdivider shall submit to the City Surveyor a set of prints of the final map accompanied by a letter from each utility and water and sewer district serving the property stating that the easements shown thereon are acceptable.
14. Prior to recordation of the final vesting tract map, any obstruction within a utility easement which would interfere with the intended use of the easement, shall be removed at the subdivider's expense.
15. Prior to map recordation for the project, the owner shall sign and record an agreement to comply with the project description and all conditions of approval.

**MITIGATION MEASURES FROM 07-MND-004 AND ADDENDUM DATED MARCH 18, 2009**

**AESTHETICS**

12. To prevent construction and/or employee trash from blowing offsite, covered receptacles shall be provided onsite prior to commencement of grading or construction activities. The applicant or designee shall retain a clean-up crew to ensure that trash and all excess construction debris is collected daily and placed in provided receptacles throughout construction.

**Plan Requirements and Timing:** The applicant shall designate and provide to the City of Goleta the name and phone number of a contact person(s) to monitor trash/waste and organize a clean-up crew prior to land use permit approval. Additional covered receptacles shall be provided as determined necessary by City of Goleta staff. This requirement shall be noted on all final plans. Trash control shall occur throughout all grading and construction activities and debris clearance shall occur prior to occupancy clearance.

**Monitoring:** The City of Goleta shall ensure receipt of the contact information prior to approval of a Land Use Permit and shall site inspect for compliance during grading and construction activities and prior to occupancy clearance.

13. The design, scale, and character of the overall project and subdivision improvements shall be found to be compatible with vicinity development, shall be integrated with neighboring properties, and shall be internally aesthetically compatible. The overall project and subdivision improvements review shall include, but shall not be limited to, the entry treatment at Calle Real, outdoor common areas (e.g. tot lot area), streetscapes, major landscape features, and other common decorative features. Final plans shall include, but not be limited to, the following criteria:
  - a. Street elevations of buildings and structures shall enhance the streetscape, shall be pedestrian friendly, and shall include building setbacks.
  - b. Architectural detailing shall be used to break up the box-like appearance and avoid blank wall planes.
  - c. Adequate variety and interest shall be provided along all sides of a building. Treatments may include, but not be limited to, modulation of walls, wainscot or cornice molding, texture and/or patterns in building materials, niches for planters, and decorative vents and grilles.

**Plan Requirements and Timing:** The applicant shall submit final tract improvement plans (tract map, grading plans, improvement plans, landscape plan, lighting plan, utility plan and any other required plan) for review and approval by the City of Goleta, including final approval from the Design Review Board, prior to recordation of the map and/or issuance of a Land Use Permit. Plans for overall development shall be provided, including phasing/timing of installation of improvements.

**Monitoring:** The City of Goleta shall ensure final review prior to map recordation and/or issuance of a Land Use Permit and shall site inspect for compliance in the field during grading and construction activities.

14. The applicant shall prepare a detailed Final Landscape Plan for the entire property that identifies existing landscaping, proposed new landscaping (trees, shrubs, groundcovers by species), size of plant materials, and location of landscaping. In particular, vegetation indicated in the Final Landscape Plan shall be of sufficient height along the front and sides of Building A to screen the taller elements and edges of the proposed building as seen from Calle Real. Proposed trees shall be of sufficient size when planted, such that

they will reach mature height within five years of planting. Landscaping shall consist of drought-tolerant native and/or Mediterranean type species which provides adequate enhancement of the property and screening from surrounding areas. The use of invasive plants shall be prohibited. Landscaping shall be used to soften building masses, to reinforce pedestrian scale, and to provide screening along public street frontages and within parking areas.

**Plan Requirements and Timing:** The applicant shall submit a Final Landscape Plan for review and approval by the City of Goleta, including final approval from the Design Review Board, prior to map recordation and/or issuance of a Land Use Permit.

**Monitoring:** The City of Goleta shall ensure final review prior to map recordation and/or issuance of a Land Use Permit and shall site inspect for installation prior to issuance of the final occupancy permit.

15. To ensure adequate installation and maintenance of the approved landscape plan, the applicant shall enter into an installation and maintenance agreement. Landscaping shall be maintained for the life of the project.

**Plan Requirements and Timing:** The applicant shall complete the landscape installation and maintenance agreements prior to land use permit approval. Performance securities for installation and maintenance (for at least a 3-year maintenance period) shall be reviewed and approved by City staff prior to land use permit approval.

**Monitoring:** The City of Goleta shall site inspect for installation prior to issuance of the final occupancy permit and shall site inspect periodically and at the end of the maintenance period prior to release of the performance security. Release of any performance security requires approval from the City of Goleta.

16. The applicant shall submit a Maintenance Plan for maintenance in perpetuity of common landscaping, common open space areas, and/or any other common facilities. The Maintenance Plan shall identify responsibility for maintenance of any common elements. A copy of proposed CC&Rs shall be reviewed and approved by the City of Goleta prior to map recordation.

**Plan Requirements and Timing:** The applicant shall submit the Maintenance Plan and CC&Rs for review and approval by the City of Goleta prior to recordation of the map. CC&Rs shall be recorded prior to approval of the land use permit for structural development.

**Monitoring:** The City of Goleta shall inspect for compliance prior to occupancy clearance.

17. A Mechanical Equipment Plan shall be submitted for review and approval by the City of Goleta, including final approval from the Design Review Board, prior to map recordation and/or issuance of a Land Use Permit. The Mechanical Equipment Plan shall include a site plan and elevations for all mechanical equipment (including HVAC condensers, switch boxes, etc).

All equipment shall be designed to be integrated into the structure and/or screened completely from view.

**Plan Requirements and Timing:** The Mechanical Equipment Plan shall be submitted to the City of Goleta, including the Design Review Board, for review and approval, prior to map recordation and/or issuance of a Land Use Permit.

**Monitoring:** The City of Goleta shall site inspect prior to occupancy clearance.

18. All new utility service connections and above-ground mounted equipment such as backflow devices, etc, shall be screened from public view and/or painted in a soft earth-tone color(s) (red is prohibited) so as to blend in with the project. Screening may include a combination of landscaping and/or masonry or lattice walls. Whenever possible and deemed appropriate by City staff, utility transformers shall be placed in underground vaults. All gas and electrical meters shall be concealed and/or painted to match the building. All gas, electrical, backflow prevention devices and communications equipment shall be completely concealed in an enclosed portion of the building, on top of the building, or within a screened utility area. All transformers and vaults that must be located within the right-of-way shall be installed below grade unless otherwise approved by the City, and then must be completely screened from view.

**Plan Requirements and Timing:** The site and building plans shall be submitted for DRB Preliminary/Final Review shall identify the type, location, size, and number of utility connections and above-ground mounted equipment as well as how such equipment would be screened from public view and the color(s) that it would be painted so as to blend in with the project and surrounding area. Plans shall be determined to be compliant with this condition prior to issuance of an LUP.

**Monitoring:** City staff shall verify that all above-ground utility connections and equipment is installed, screened, and/or painted per the approved plans.

19. Exterior night lighting installed on the project site shall be of low intensity, low glare design, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. All upward directed exterior lighting shall be prohibited to protect night sky views of the stars. All exterior lighting fixtures shall be appropriate for the architectural style of proposed development. Pole supports shall be of a darker finish to reduce glare. Building wall-mounted and pedestrian walkway lighting fixtures shall be placed at heights that would be sufficiently high to promote project safety, but low enough to limit unnecessary spill effects.

**Plan Requirements and Timing:** The applicant shall submit a Lighting Plan that incorporates these requirements and that includes a detailed photometric diagram and details of all exterior fixtures. The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures (including any base



support structure) shall be depicted on the Lighting Plan. The plan shall be reviewed and approved by the City of Goleta, including final approval from the Design Review Board, prior to map recordation and/or issuance of a Land Use Permit.

**Monitoring:** The City of Goleta shall site inspect for compliance prior to occupancy clearance.

## AIR QUALITY

20. Best Available Control Measures (BACMs) shall be implemented to control PM<sub>10</sub> generation during construction of the project, including the following:
- During construction, water trucks or sprinkler systems should be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency shall be required whenever the wind speed exceeds 15 mph. Reclaimed water shall be used whenever possible.
  - Gravel pads shall be installed at all access points to minimize tracking of mud on to public roads. If visible track-out results on any public roadway despite the use of such pads, the contractor shall cause the material to be removed by street cleaning within one hour of its occurrence and again at the end of the work-day.
  - If importation, exportation, and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the project site shall be covered with a tarp from the point of origin.
  - After clearing, grading, earthmoving, or excavation is completed, the disturbed area shall be treated by watering, revegetating, or spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
  - The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the SBCAPCD prior to land use clearance for any grading activities for the project.
  - Prior to any land clearance, the applicant shall include, as a note on a separate informational sheet to be recorded with map, these dust control requirements. All requirements shall be shown on grading and building plans.

The following measures shall be implemented to reduce diesel emissions:

- All diesel-powered equipment shall use ultra low sulfur diesel fuel.
- Diesel catalytic converters, diesel oxidation catalysts, and diesel particulate filters, as certified and/or verified by the EPA or the State of California, shall be installed, if available.
- Diesel-powered equipment shall be replaced by electric equipment whenever feasible.
- Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes; auxiliary power units shall be used whenever possible. Construction worker's trips shall be minimized by requirements for carpooling and by providing for lunch on site.
- The engine size of construction equipment operating simultaneously shall be the minimum practical size.
- The amount of construction equipment operating simultaneously shall be minimized through efficient construction management practices to ensure that the smallest practical number is operating at any one time.
- Construction equipment shall be maintained per the manufacturer's specifications.
- Construction equipment operating on site shall be equipped with two or four degree engine timing retard or pre-combustion chamber engines.
- Catalytic converters shall be installed on gasoline-powered equipment, if feasible.

**Plan Requirements and Timing:** All requirements shall be shown on grading and building plans required prior to approval of any Land Use Permit(s) for the project.

**Monitoring:** City staff shall ensure all the aforementioned requirements are on all plans submitted for approval of any Land Use, building, or grading permits. The City building inspector shall spot check to ensure compliance onsite. APCD inspectors shall respond to nuisance complaints.

21. The following energy-conserving techniques shall be incorporated unless the applicant demonstrates their infeasibility to the satisfaction of City of Goleta staff:
- Installation of low NOx residential water heaters and space heaters;
  - Installation of heat transfer modules in furnaces;
  - Use of water-based paint on exterior surfaces;
  - Use solar-assisted water heating for swimming pools, and tankless hot water on demand systems if their energy efficiency is

demonstrated to exceed that of a central storage tank water heating system;

- Use of passive solar cooling strategies such as passive or fan-aided cooling planned for or designed into structure, a cupola or roof opening for hot air venting or underground cooling tubes;
- Use of natural lighting;
- Use of concrete or other non-pollutant materials or pervious surfaces for parking lots and driveways up to 100-feet in length instead of asphalt;
- Installation of energy efficient appliances;
- Installation of energy efficient lighting including outdoor lighting that is solar-powered or controlled by motion detectors;
- Duct system within the building thermal envelope, or insulated to R-8;
- Installation of mechanical air conditioners and refrigeration units that use non-ozone depleting chemicals;
- Use of drought-tolerant native or Mediterranean landscaping subject to Planning & Environmental Services staff and Design Review Board (DRB) approval to shade buildings and parking lots.

**Plan Requirements and Timing:** All the aforementioned requirements shall be shown on applicable building plans submitted for approval of any Land Use and/or building permit(s).

**Monitoring:** City of Goleta staff shall ensure that all of the aforementioned requirements are incorporated on plans submitted for approval of any Land use and/or building permit(s) and shall spot check after construction is complete to verify compliance.

22. Ventilation systems that are rated at Minimum Efficiency Reporting Value of "MERV13" or better for enhanced particulate removal efficiency shall be provided on all units. The residents of these units shall also be provided information regarding filter maintenance/replacement.

**Plan Requirements and Timing:** The aforementioned requirement shall be shown on applicable plans submitted for approval of any Land Use and Building permits.

**Monitoring:** City of Goleta staff shall ensure that the aforementioned requirements are included on plans submitted for approval of any Land Use and Building permits and shall verify compliance onsite prior to occupancy clearance. Staff shall also review the future Covenants, Conditions, and Restrictions (CC&Rs) for inclusion of guidelines pertaining to the proper maintenance/replacement of filters.

23. The applicant shall provide an Air Quality Disclosure Statement to potential buyers of units, summarizing the results of technical studies that

reflect a health concern resulting from exposure of children to air quality emissions generated within 500 feet of a freeway.

**Plan Requirements and Timing:** The applicant shall provide this disclosure statement as part of the project CCRs to the City Attorney and Planning & Environmental Services to verify the disclosure statement is fair and adequate. The disclosure shall be reviewed and approved prior to recordation of the Final Map.

**Monitoring:** City staff shall verify that the Air Quality Disclosure Statement has been incorporated into the CCRs prior to sale of homes. Planning & Environmental Services shall review and approve the statement for objectivity, balance, and completeness.

## BIOLOGICAL RESOURCES

24. In the event that site grading and construction is to occur between March 1 and September 15, the applicant shall retain a qualified biologist to implement pre-construction surveys to avoid impacts to special status breeding birds and other nesting birds protected by the Fish and Game Code Sections 3503, and 3503.5. In particular, the survey shall include the following:

- Trees shall be surveyed for nesting birds, including birds of prey and songbirds. Also, all trees within 100 feet of all grading or construction activities shall be examined for the presence of nesting birds of prey.

In the event that any special status species are observed, the applicant shall delay construction work until; (a) after September 15, or (b) until continued monitoring demonstrates that the nest is vacated and juveniles have fledged; and when there is no evidence of a second attempt at nesting.

- Limits of construction to avoid disturbance of potential nest sites shall be established in the field by flagging with stakes or construction fencing. Construction personnel shall be instructed on the ecological sensitivity of the area by the City approved supervising biologist.

**Plan Requirements and Timing:** Thirty days prior to approval of any Land Use Permit for the project, the applicant shall submit to City Planning and Environmental Services staff for approval, the name and qualifications of the biologist selected to conduct the required surveys. The supervising biologist shall inform Planning and Environmental Services in writing of the results of the surveys and any measures necessary to avoid nest sites. City staff shall review and approve the surveys and associated mitigation measures prior to commencement of any construction activities. All grading and building plans submitted to Planning and Environmental Services for review and approval shall include the above requirement.

**Monitoring:** Planning and Environmental Services staff shall verify compliance in the field and shall perform site inspections throughout the construction period.

## CULTURAL RESOURCES

25. In the event that cultural resources are uncovered during grading/construction activities, work shall be ceased immediately and the applicant shall bear the cost of the immediate evaluation of the find's importance and any appropriate Phase II or Phase III investigations and mitigation.

**Plan Requirements and Timing:** The project grading plans and improvement plans shall include provisions in the Notes/Specifications to recover cultural resources as described above. Cultural resource investigations/recovery shall be conducted by an archaeological, paleontological, historic or ethnographic expert acceptable to the Planning and Environmental Services Department.

**Monitoring:** Planning and Environmental Services staff shall check all plans prior to issuance of grading and construction permits and shall spot check during field investigations as necessary.

## GEOLOGY AND SOILS

26. The applicant shall submit a copy of the Notice of Intent to obtain coverage under the Construction General Permit of the National Pollutant Discharge Elimination System issued by the California Regional Water Quality Control Board.

**Plan Requirements and Timing:** Prior to map recordation and/or issuance of a Land Use Permit for the project, the applicant shall submit a copy of the Notice of Intent and shall provide a copy of the required Storm Water Pollution Prevention Plan (SWPPP) to the City. A copy of the SWPPP must be maintained on the project site during grading and construction activities.

**Monitoring:** City staff shall review the documentation prior to map recordation and/or issuance of a Land Use Permit for the project. City staff shall site inspect during construction for compliance with the SWPPP.

27. A combination of structural and non-structural Best Management Practices (BMPs) (e.g., biofiltration swales and strips, catch basin and storm drain filters, permeable pavement, etc.) shall be installed to effectively prevent the entry of pollutants from the project site into the storm drain system during and after development.

**Plan Requirements:** The applicant/owner shall submit a Final Construction-Phase Erosion Control and Stormwater Management Plan

and the Post-Development-Phase Drainage and Stormwater Management Plan (Plans) that have been prepared by a licensed civil engineer. The Final Plans shall include the following elements: a) identification of potential pollutant sources that may affect the quality of the storm water discharges; b) the proposed design and placement of all structural and non-structural BMPs to address identified pollutants; c) a proposed inspection and maintenance program with a five (5) year monitoring and reporting process to verify BMP effectiveness; and d) a method for ensuring timely maintenance of all BMPs over the life of the project. The approved measures shall also be shown on all final site, building and grading plans submitted for any land use, building, or grading permits for the project. Maintenance records shall be maintained by the HOA for the development.

**Timing:** Prior to map recordation and/or issuance of a Land Use Permit, the Final Plans shall be submitted to the City for review and approval. All measures specified in the Plan shall be constructed and operational prior to the first occupancy clearance for the project. Maintenance records shall be submitted to City on an annual basis prior to the start of the rainy season for five (5) years after the final occupancy clearance. After the fifth year, the maintenance records shall be maintained by the landowner or HOA and be made available to City on request.

**Monitoring:** City staff shall conduct a site inspection prior to the first occupancy clearance to ensure all Plan BMPs and stormwater runoff quality measures are constructed in accordance with the approved Plan and periodically thereafter to ensure proper maintenance until a period of five (5) years after the final occupancy clearance for the project. The developer or HOA shall complete a five (5) year monitoring and reporting program as described in the Post-Construction Plan to verify BMP effectiveness; improvements in the BMPs shall be made from time-to-time as required by the City to comply with the relevant General Plan policies and City, State, and Federal regulations. The City shall determine if the five (5) year monitoring program shall be extended for cause.

28. To prevent illegal discharges to the storm drains, all onsite storm drain inlets, whether new or existing, shall be labeled to advise the public that the storm drain discharges to the ocean (or other waterbody, as appropriate) and that dumping waste is prohibited (e.g., "Don't Dump – Drains to Ocean"). The information shall be provided in English and Spanish.

**Plan Requirements and Timing:** The location of all storm drain inlets shall be shown on site, building and grading plans prior to approval of any grading and/or land use permits. Labels shall be installed prior to the first occupancy clearance for the project. Standard labels, as available from the Santa Barbara County Project Clean Water, shall be shown on the

plans and submitted to the City prior to approval of any grading and/or land use permits.

**Monitoring:** The City shall site inspect prior to the first occupancy clearance for the project to verify installation of all storm drain labels.

29. The applicant shall provide the City with a Final Geotechnical and Engineering Geology Report for the 12-unit project prepared by a Registered Geotechnical Engineer or qualified Civil Engineer and Certified Engineering Geologist. The report shall specify requirements for excavation, recompaction, removal and replacement of fill materials and expansive soils. The report shall specify shoring requirements to protect properties to the west. Additional geotechnical data may be required to support the shoring recommendations.

**Plan Requirements and Timing:** The applicant/owner shall submit a Final Geotechnical and Engineering Geology Report for the 12-unit project. Prior to map recordation and/or issuance of a Land Use Permit, the Report shall be submitted to the City for review and approval.

**Monitoring:** City staff shall site inspect during construction to ensure implementation of the measures identified in the Report.

#### HAZARDS AND HAZARDOUS MATERIALS

30. Prior to approval of any Land Use Permits for construction of any habitable structures, radon testing shall be conducted. If radon gas is present above the recommended EPA exposure level (4.0 pci/L), remediation shall occur and/or habitable structures shall be designed to provide venting and/or any other EPA approved mitigation measures identified to reduce such exposure.

**Plan Requirements & Timing:** A radon report including recommendations for appropriate EPA approved mitigation measures shall be submitted to the City of Goleta and the Santa Barbara County Environmental Health Services Office for review and approval prior to approval of any Land Use Permit(s) for construction of any habitable structures.

**Monitoring:** City staff shall ensure compliance with this requirement prior to approval of any Land Use Permit(s) for construction of any habitable structures. The City Building Inspector shall verify compliance in the field prior to any occupancy clearance.

31. Prior to map recordation, the applicant shall submit a Phase I Environmental Site Assessment to the Santa Barbara County Fire Department Fire Prevention Division (FPD). Upon completion of this document, these data shall be combined with an earlier investigation performed by DTSC to prepare a Phase II Environmental Site Assessment

Workplan. The workplan shall be designed to investigate and delineate all areas of potential concern at the site. Additional assessment and site remediation shall be performed to the satisfaction of the Santa Barbara County Fire Department FPD including, if necessary, the following: (i) soil vapor survey, comparing collected data against current screening levels including the California Human Health Screening Levels and EPA Preliminary Remediation Goals; (ii) soil assessment to determine the lateral and vertical extent of contamination on the project site; (iii) groundwater assessment to determine the lateral and vertical extent of contamination on the project site; (iv) Remedial Action Plan ("RAP") incorporating appropriate mitigation measures (e.g., vapor barriers, vents, etc.) or site remediation to reduce contaminants to acceptable concentrations; This includes a 30 day public notification period prior to approval of the RAP by Santa Barbara County Fire Department FPD, and incorporation of relevant public comments in the RAP implementation; (v) soils management plan in the event that contamination is encountered during construction; and (vi) a dewatering plan if any groundwater is removed during construction, including required permits to discharge into the City's sewer or storm drain system.

**Plan Requirements & Timing:** The applicant shall prepare a work plan that outlines the methodology to be followed in undertaking required Phase I and Phase II Environmental Site Assessments, as required. This plan shall be reviewed and approved by the Santa Barbara County Fire Department FPD, prior to commencing work. Thereafter, the various site assessment and remediation actions, if any are required, shall be reviewed and approved by the Santa Barbara County Fire Department FPD prior to map recordation and prior to issuance of any LUP for the project. All required remediation shall be completed prior to occupancy.

**Monitoring:** City staff shall verify that the Santa Barbara County Fire Department FPD's submittal requirements are satisfied prior to map recordation and prior to issuance of any LUP for the project. Thereafter, City staff shall verify that all required mitigation is performed before any certificate of occupancy is granted.

32. Prior to map recordation, the applicant shall prepare a Worker Awareness Program to acquaint workers with the hazards and potential exposure to contaminated groundwater, vapor and soil. The program shall describe measures to minimize such exposure and medical procedures to be employed in the event of exposure. The applicant shall ensure that all workers are properly briefed on the Worker Awareness Program and that proper precautions are being taken throughout the duration of site preparation, grading and construction.

**Plan Requirements & Timing:** Depending on the results of the Phase I/II analysis, Hazardous Work Operations and Emergency Responses (HAZWOPER) trained workers may be required. The Worker Awareness Program shall be reviewed and approved by the Santa Barbara County Fire Department FPD and the City prior to map recordation and prior to



issuance of any LUP for the project and implemented prior to commencement of any ground disturbances.

**Monitoring:** City staff shall periodically perform site inspections to verify that workers are properly informed and safety procedures are being followed.

## HYDROLOGY AND WATER QUALITY

33. The applicant shall submit a copy of the Notice of Intent to obtain coverage under the Construction General Permit of the National Pollutant Discharge Elimination System issued by the California Regional Water Quality Control Board.

**Plan Requirements and Timing:** Prior to map recordation and/or issuance of a Land Use Permit for the project, the applicant shall submit a copy of the Notice of Intent and shall provide a copy of the required Storm Water Pollution Prevention Plan (SWPPP) to the City. A copy of the SWPPP must be maintained on the project site during grading and construction activities.

**Monitoring:** City staff shall review the documentation prior to map recordation and/or issuance of a Land Use Permit for the project. City staff shall site inspect during construction for compliance with the SWPPP.

34. Applicant shall submit drainage and grading plans with a final hydrology report for review and approval by Community Services and Building staff. The plan shall incorporate appropriate Best Management Practices to minimize storm water impacts to the maximum extent feasible in accordance with the City's Storm Water Management Plan.

**Plan Requirements and Timing:** The plans shall include but not be limited to bio-swales, permeable paving, on site detention, fossil filters and other operational features. The plans shall also include an erosion control plan for review and approval by Community Services staff prior to the issuance of any LUP for the project. After installation of any drainage improvements or erosion control measures, the applicant shall be responsible for on-going maintenance of all improvements in accordance with the manufacturer's specifications or the approved plans.

**Monitoring:** The City shall site inspect prior to the first occupancy clearance for the project to verify installation of all plan components.

35. To prevent illegal discharges to the storm drains, all onsite storm drain inlets, whether new or existing, shall be labeled to advise the public that the storm drain discharges to the ocean (or other waterbody, as appropriate) and that dumping waste is prohibited (e.g., "Don't Dump – Drains to Ocean"). The information shall be provided in English and Spanish. The CC&Rs shall include a notification regarding this requirement.

**Plan Requirements and Timing:** The location of all storm drain inlets shall be shown on site, building and grading plans prior to approval of any grading and/or land use permits. Labels shall be installed prior to the first occupancy clearance for the project. Standard labels, as available from the Santa Barbara County Public Works or Project Clean Water, shall be shown on the plans and submitted to City prior to approval of any grading and/or land use permits.

**Monitoring:** The City shall site inspect prior to the first occupancy clearance for the project to verify installation of all storm drain labels.

36. Drainage facilities shall be constructed to adequately collect stormwater runoff generated on-site.

**Plan Requirements and Timing:** The applicant/owner shall submit a Drainage and Stormwater Management Plan that has been prepared by a licensed civil engineer. The Plans shall include hydrologic calculations of site runoff flows and plans for drainage facilities designed to accommodate these flows. It shall demonstrate that the quantity of stormwater runoff generated at the site can be accommodated within the capacity of the existing storm drain system. Features of the Plan shall also be shown on grading plans submitted for a grading permit for the project. Prior to map recordation and/or issuance of a Land Use Permit, the Plans shall be submitted to the City for review and approval.

**Monitoring:** City staff shall site inspect to ensure drainage is handled according to the approved plans.

## NOISE

37. The project shall incorporate measures listed in the current version of the Acoustic Design Manual and all construction techniques and recommendations of the 2008 Revisions of the URS Noise Study (November 10, 2008) to reduce exterior and interior sound levels to below 65 and 45 dBA CNEL, respectively.

**Plan Requirements and Timing:** All construction techniques and recommendations of the noise study shall be incorporated into design of the project and detailed on building plans. These measures include:

- Provide forced air ventilation systems for all units in order to allow windows to be kept closed.
- Use windows with a minimum Sound Transmission Class (STC) rating of 30 throughout the project.
- Other than on the northernmost units, restrict doorways to avoid facing south. All exterior doors shall be solid core with tight fitting seals. Sliding or French doors that provide patio access shall have a STC rating of not less than 30.
- Design all attic vents to be baffled and acoustically treated.
- Provide all fireplaces with closable dampers.

- If these specifications are altered, prepare an acoustical engineering report in conjunction with submittal of the building permit applications. If alternative noise reduction techniques are designed in the project, the report shall demonstrate that they achieve an equivalent mitigation of noise impacts and provide Ldn values of 45 dBA or less.

A acoustic survey shall be submitted to Planning & Environmental Services prior to occupancy showing that the required levels have been attained.

**Monitoring:** Building inspectors shall ensure that all noise control measures have been constructed pursuant to the approved plans. Planning & Environmental Services will ensure recommended levels have been reached prior to occupancy clearance.

38. Noise-generating construction activities for projects near or adjacent to residential buildings and neighborhoods or other sensitive receptors shall be limited to Monday through Friday, 8:00 a.m. to 5:00 p.m. Construction in nonresidential areas away from sensitive receivers shall be limited to Monday through Friday, 7:00 a.m. to 4:00 p.m. Construction shall generally not be allowed on weekends and state holidays (e.g. Christmas, Thanksgiving, Memorial Day, 4<sup>th</sup> of July, Labor Day). Exceptions to these restrictions may be made in extenuating circumstances on a case by case basis at the discretion of the Director of Planning and Environmental Services. Non-noise generating construction activities such as interior painting are not subject to these restrictions. Prior to commencement of pile driving operations, businesses within the vicinity of the site shall be notified not less than 72 hours in advance of commencement. Said notice shall provide businesses with the anticipated time and duration of pile driving and shall be reissued if there is a substantial change in scheduling.

**Plan Requirements and Timing:** Two signs stating these restrictions shall be provided by the applicant and posted on site prior to commencement of construction. The signs shall be in place prior to beginning of and throughout all grading and construction activities. Violations may result in suspension of permits.

**Monitoring:** City staff shall spot to verify compliance and/or respond to complaints.

39. The applicant shall notify sensitive receptors and contiguous property owners with a preliminary construction activity schedule in advance of any and all construction activities. The construction manager's (or representative's) telephone number shall also be provided with the notification so that community concerns can be communicated.

**Plan Requirements and Timing:** The applicant shall submit a copy of the construction activity schedule, mailing list, and proof of mailing to the City of Goleta prior to initiation of any earth movement.

**Monitoring:** The City of Goleta shall site inspect to ensure compliance in the field during construction and respond to complaints.

## TRANSPORTATION/TRAFFIC

40. To prevent parking along the main drive aisle and maintain emergency vehicle access, the applicant shall paint the rolled curbs red and install "no parking" signage.

**Plan Requirements & Timing:** The design of this signage shall be reviewed and approved by the Fire Department and City staff prior to approval of a Land Use Permit. These signs shall be installed at locations approved by the Fire Department prior to occupancy clearance.

**Monitoring:** City staff shall verify compliance prior to approval of a Land Use Permit and prior to occupancy clearance.

41. The applicant shall obtain a Haul Permit from Community Services prior to approval of land use permits. The applicant shall provide all adjacent property owners with a construction activity schedule and construction routes as well as the name and telephone number of a contact person responsible for the construction schedule 14 days in advance of construction activities. Any alterations or additions shall require seven day notification.

**Plan Requirements and Timing:** The applicant shall submit copy of schedule and mailing list to PES and Community Services 14 days prior to initiation of any earth movement. The plan shall schedule truck hauling trips to avoid peak traffic hours (peak hours defined as 7:30 - 8:30 a.m. and 4:30 - 5:30 p.m.).

**Monitoring:** City of Goleta staff shall perform periodic site inspections to verify compliance with activity schedules.

42. Construction vehicle parking and/or staging of construction equipment or materials, including vehicles of construction personnel, is prohibited along both Calle Real and Ellwood Station Road.

**Plan Requirements & Timing:** The applicant shall prepare a construction vehicle parking plan, including provisions for construction personnel parking and construction equipment/materials staging, for both on and offsite locations in the vicinity of the project site the precludes the need for any construction related parking or equipment/materials staging on either Calle Real or Ellwood Station Road. Said plan shall be reviewed and approved by City staff prior to approval of any Land Use Permit for the project.

**Monitoring:** City staff shall periodically monitor in the field to verify compliance throughout all construction activities.

43. A total of five (5) bike parking spaces shall be provided. Bicycle racks shall be the "Inverted U" type in compliance with the SBCAG Traffic Solutions recommended bicycle rack. Minor adjustment in bicycle parking locations may be approved by the Planning and Environmental Services Department.

**Implementation and Timing.** Final plans showing bicycle parking locations and type shall be reviewed and approved by the City of Goleta prior to approval of a Land Use Permit.

**Monitoring.** The City of Goleta shall perform site inspections to ensure implementation according to approved plan prior to the first occupancy clearance.

44. Calle Real shall be re-stripped to include an eastbound and westbound bike lane from the east side of the project through Ellwood Station Road as approved by the City Engineer.

**Implementation and Timing.** Final plans showing the re-striping plan shall be reviewed and approved by the City of Goleta Community Services Department prior to approval of a Land Use Permit.

**Monitoring.** The City of Goleta shall perform site inspections to ensure implementation according to approved plan prior to the first occupancy clearance.

#### UTILITIES AND SERVICE SYSTEMS

45. The applicant shall obtain a Sewer Service Connection Permit from the Goleta West Sanitary District (GWSD).

**Plan Requirements & Timing:** The applicant shall obtain the Sewer Service Connection Permit from the GWSD and submit it to City staff prior to map recordation.

**Monitoring:** City staff shall verify compliance prior to map recordation.

46. The applicant shall obtain a Can & Will Serve letter from the Goleta Water District (GWD).

**Plan Requirements & Timing:** The required Can & Will Serve letter from the GWD shall be submitted to the City prior to map recordation.

**Monitoring:** City staff shall verify compliance prior to map recordation.

47. The applicant shall develop and implement a Solid Waste Management Program. A letter from the trash/recycle hauler stating that they can provide pickup for individual units shall be required. The program shall identify the amount of waste generation projected during processing of the project. The program shall include the following measures, but is not limited to those measures:

Construction Only

- a. Development of a Source Reduction Plan ("SRP"), describing the recommended program(s) and the estimated reduction of the solid waste disposed by the project. For example, the SRP may include a description of how fill will be used on the construction site, instead of sending excess fill material to a landfill, or a detailed set of office procedures such as use of duplex copy machines and purchase of office supplies with recycled content.
- b. Implementation of a program to purchase materials that have recycled content for project construction and/or operation (i.e., plastic lumber, office supplies, etc.). The program could include requesting suppliers to show recycled materials content. To ensure compliance, the applicant shall develop an integrated solid waste management program, including recommended source reduction, recycling, composting programs, and/or a combination of such programs, subject to City staff review and approval prior to issuance of any certificate of occupancy

Residential Only

- a. Provision of at least 50% space and/or bins for the storage of recyclable materials within the project site;
- b. Implementation of a curbside recycling program to serve the development;
- c. Development of a plan for accessible collection of materials on a regular basis;
- d. Implementation of a backyard composting yard waste reduction program.
- e. Implementation of a green waste source reduction program focusing on recycling of all green waste generated onsite.

**Plan Requirement and Timing:** The applicant shall provide a letter from the trash/recycle hauler prior to approval of a land use permit. The applicant shall submit the Solid Waste Management Program to City staff for review and approval prior to approval of any LUP for the project. Program components shall be implemented prior to occupancy clearance and throughout the life of the project.

**Monitoring:** City staff shall site inspect during construction and prior to occupancy to ensure solid waste management components are established and implemented. Once the project is occupied, the developer and homeowners association shall be responsible for implementation of the Solid Waste Management Program. City staff shall inspect the site periodically to verify compliance with the Solid Waste Management Program. The developer shall be responsible for funding

such inspections through a permit compliance account to be established with the City to verify compliance with all project conditions of approval.

48. A Waste Reduction and Recycling Plan (WRRP) shall be submitted to the Community Services Department for review and approval. Said plan shall indicate how a 50% diversion goal shall be met during construction. Demolition and/or excess construction materials shall be separated onsite for reuse/recycling or proper disposal (e.g., concrete asphalt). During grading and construction, separate bins for recycling of construction materials and brush shall be provided onsite. The applicant/property owner shall contract with a City approved hauler to facilitate the recycling of all construction recoverable/recyclable material. (Copy of contract to be provided to the City.) Recoverable construction material shall include but not be limited to asphalt, lumber, concrete, glass, metals, and drywall. At the end of the project, applicant shall submit a Post-Construction Waste Reduction & Recycling Summary Report documenting the types and amounts of materials that were generated during the project and how much was reused, recycled, composted, salvaged, or landfilled.

**Plan Requirements and Timing:** This requirement shall be printed on the grading and construction plans submitted for approval of any building, grading, or Land Use Permit. The permittee shall provide receipts for recycled materials or for separate bins to City staff on a monthly basis. Materials shall be recycled as necessary throughout construction. All materials shall be recycled prior to occupancy clearance. Materials shall be recycled as necessary throughout all phases of construction.

**Monitoring:** City staff shall review receipts on a monthly basis and conduct periodic site visits to verify compliance in the field until completion of project construction.

49. To prevent construction and/or employee trash from blowing offsite, covered receptacles shall be provided onsite prior to commencement of any grading or construction activities. Waste shall be picked up on a daily basis and receptacles emptied on a weekly basis or more frequently as directed by City staff.

**Plan Requirements and Timing:** Prior to any Land Use Permit approval for the project, the applicant shall designate and provide to Planning & Environmental Services the name and phone number of a contact person(s) to monitor trash/waste and organize clean-up crews. Additional covered receptacles shall be provided as determined necessary by City staff. This requirement shall be noted on all plans. Trash control shall occur throughout all grading and construction activities.

**Monitoring:** City staff shall inspect periodically throughout all grading and construction activities to verify compliance.

## GENERAL CONDITIONS

50. Prior to approval of a land use permit for grading and/or installation of site improvements, all applicable conditions shall be printed on grading and/or site improvement plans.
51. Planning and Environmental Services Permit Compliance shall be required. The applicant agrees to pay Permit Compliance fees prior to approval of a Land Use Permit to cover full costs of compliance monitoring. The decision of the Director shall be final in the event of any dispute.
52. Prior to approval of a Land Use Permit for grading/installation of site improvements and/or structural development, the applicant shall pay all applicable City of Goleta permit processing fees in full.
53. The applicant shall pay the statutory school fees in effect at the time of issuance of building permits to the appropriate school districts and/or shall mitigate school impacts by other measures consistent with state law.  
**Implementation and Timing:** The applicant shall submit final square footage calculations and a copy of the fee payment to the school districts prior to issuance of building permits.  
**Monitoring:** The City of Goleta shall ensure payment prior to issuance of building permits.
54. No permits for construction, including grading, shall be issued except in conformance with an approved Final Development Plan. The size, shape, arrangement, use, and location of buildings, walkways, driveways, parking areas, and landscaped areas shall be developed in conformity with the approved development plan marked Exhibits 1-9, dated October 20, 2008. Substantial conformity shall be determined by the Director of Planning and Environmental Services.
55. All work within the public right-of-way, including but not limited to utilities and grading, shall be explicitly noted on the building plans. The applicant shall obtain all necessary encroachment permits from the City of Goleta Community Services Department prior to issuance of building permits for all work and construction that encroach within or over the public right-of-way, including, but not limited to, water meters, backflow devices, signs, and curb/gutter/sidewalk improvements.
56. Prior to the start of any work on-site, the applicant shall request and attend a preconstruction meeting that includes monitor(s), project superintendent, architect, landscape architect, subcontractors, as well as City representatives including Planning and Environmental Services and Community Services.
57. Any temporary building, trailer, commercial coach, etc. installed or used in connection with construction of this project shall comply with the requirements of Section 35-281 of the City's Inland Zoning Ordinance.



58. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the City of Goleta Planning and Environmental Services Department. The site and buildings shall be inspected for compliance prior to the issuance of a certificate of occupancy.
59. All landscaping and associated landscape utilities within the public right of way including the adjacent landscaped medians, if any, shall be maintained by the property owner.
60. All trees planted or preserved in accordance with this approval shall be trimmed and maintained per guidelines established and approved by the International Society of Arboriculture (ISA). Any pruning of trees, other than light pruning of no more than 25 percent (25%) of the foliage within any one growing season, requires review and approval of the City of Goleta prior to commencement of the work.
61. The vesting tentative map approval shall take effect as of the date of final action by the City of Goleta City Council.
62. The vesting tentative map shall expire three (3) years after approval or conditional approval by the final decision maker unless otherwise provided in the Subdivision Map Act, Government Code § 66452.6.
63. The final map shall be prepared by a licensed land surveyor or registered civil engineer in conformance with current Subdivision Map Act requirements and in conformance with the requirements of City of Goleta Subdivision Regulations.
64. Pursuant to Section 66441 of the State Subdivision Map Act the tract map shall be based upon a field survey made in conformity with the Professional Land Surveyors Act. Property lines shall be monumented in accordance with Section 21-16 of said City Code.
65. No permit for development pursuant to this vesting tentative map, including grading, shall be issued prior to recordation of the map. Grading associated with any permit for site remediation would not be subject to this restriction.
66. If the final map is revised, approval shall be in the same manner as for the originally approved vesting tentative map. If the development plan is altered, approval shall be in the manner required by ordinance.
67. The Development Plan approval runs with the land and the rights and obligations thereof, including the responsibility to comply with conditions of approval, shall be binding upon successors in interest in the real property unless or until such permits are expressly abandoned.
68. Approval of the Final Development Plan shall expire five (5) years after approval or conditional approval by the final decision maker, unless prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been applied for

by the applicant. The decision maker with jurisdiction over the project may, upon good cause shown, grant a time extension for one year.

69. On the date a subsequent Preliminary or Final Development Plan is approved for this site, any previously approved but unbuilt plans shall become null and void.
70. If the applicant requests a time extension for this permit/project, the permit/project may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts. Mitigation fees shall be those in effect at the time of required fee payment.
71. Revised plans and building elevations incorporating all conditions of approval for this project shall be coordinated and submitted to the Planning and Environmental Services Department as one package in accordance with plan check requirements. All plans including site, grading, landscape, irrigation, mechanical and street improvement plans shall be coordinated for consistency prior to issuance of any permits (such as grading, encroachment, building, etc.) Any changes to the size, colors, construction materials, design or location of any structure on site, or other site or landscape improvements shall not be made without prior City approval.
72. The applicant shall be responsible for informing all subcontractors, consultants, engineers, or other business entities providing services related to the project of their responsibilities to comply with all pertinent requirements herein in the City of Goleta Municipal Code, including the requirement that a business license be obtained by all entities doing business in the City as well as hours of operation requirements in the City.
73. When exhibits and/or written conditions of approval are in conflict, the written conditions shall prevail.
74. The applicant shall pay all applicable development impact fees under the Goleta Fee Program in full. Payment amounts are based on the current fee schedule and are estimated below. Actual payment amounts shall be based on the fees in effect and applicable at time of required payment.

Quimby/Park	\$9,509/unit	Due at Map Recordation
Transportation	\$13,508/unit for 12 units	Due at Map Recordation
Fire Protection	\$0.20/SF	Due at Final Inspection
Fire Facility	\$709/unit	Due at Final Inspection
Library	\$384/unit	Due at Final Inspection
Public Admin	\$1,705/unit	Due at Final Inspection
Sheriff	\$439/unit	Due at Final Inspection

75. Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, demolition, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain a Land Use Permit from the City of Goleta. These permits are required by ordinance

and are necessary to ensure implementation of the conditions required by the decision makers. Before any permit will be issued by the City of Goleta, the applicant must obtain written clearance from all departments/Agencies having conditions. Such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Environmental Services.

- Land Use Permit for grading and installation of site improvements, and for the Final Development Plan for the condominiums (04-226-DP).
76. Written clearance from the City of Goleta Community Services Department shall be obtained. Such clearance shall indicate that the applicant has satisfied all applicable conditions.
1. Prior to the recordation of Final Map, issuance of any Public Works permit or Building permit for the project on the Real Property:
    - (a) The Owner shall record a declaration for maintenance of the proposed private road or driveway or other private items such as shared sewer laterals, etc. which shall be reviewed as to form by the City Attorney and as to content by the Director of Community Services. Said agreement shall be recorded in the office of the County Recorder.
    - (b) The Owner shall submit public improvement plans for construction of improvements along the subject property road frontage on Calle Real. Public Improvement Plans shall be submitted separately from Building Permit plans.
      - i. The improvements along Calle Real Road shall include, but not be limited to, curbs, gutters, access ramp(s), asphalt concrete, concrete pavement on aggregate base, crack seal and slurry seal any portion of the street disturbed by construction 50 feet beyond the outside limits of disturbed areas, striping for the eastbound bike lane and associated changes of the striping, underground utilities, drainage system (curb drain outlets, slot/trench drain, drop inlet, erosion protection, etc.), preserve and/or reset contractor stamp and/or survey monuments, directional/regulatory traffic control signage, storm drain stenciling, pollution prevention interceptor device, street trees, and provide adequate positive drainage from the site. The public improvement plans shall be prepared by a registered civil engineer or other engineer with appropriate expertise to design street striping and public improvements and reviewed and signed by the City Engineer.
    - (c) The Owner shall submit an executed Agreement for Land Development Improvements; an Engineer's Estimate, signed

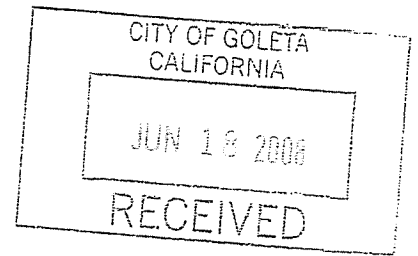
- and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement. Securities will be submitted at 100% of the engineer's estimate for the performance of the work and 100% of the engineer's estimate for labor and materials.
- (d) The Owner shall pay all GTIP and Quimby fees per current resolutions.
  - (e) The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing pillows, etc.) for the operation and use of the storm drain surface pollutant interceptors if used within the project limits.
  - (f) Applicant shall submit final drainage and grading plans with a final hydrology report for review and approval by Community Services and Building staff. The plan shall incorporate appropriate Best Management Practices to minimize storm water impacts to the maximum extent feasible in accordance with the City's Storm Water Management Plan. The plans shall include but not be limited to bio-swales, permeable paving, on site detention, fossil filters and other operational features. The plans shall also include an erosion control plan for review and approval by Community Services staff prior to the issuance of any LUP for the project. After installation of any drainage improvements or erosion control measures, the applicant shall be responsible for on-going maintenance of all improvements in accordance with the manufacturer's specifications or the approved plans.
  - (g) As a part of the Final Map, the Owner shall covenant or offer to make a dedication in fee for a twenty eight foot (28') wide right of way for public street purposes along Calle Real, subject to approval as to form by the City Attorney and content by the Director of Community Services.
2. Prior to building permit approval, the Owner shall:
- (a) Apply storm water quality control guidelines to the project per the Public Works Department Construction Project Best Management Practices.
  - (b) Provide for the access to the site that will not preclude the future widening of Calle Real with respect to the slope of the driveway and the cross section of Calle Real.
  - (c) The private driveway width shall be between 30 and 40 feet (including flares or curb returns) per the City's engineering design standards.

- (d) All garages and the private driveway shall meet City standard backup and turn radius that provides for a single maneuver exit.
- 3. Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
  - (a) Repair any damaged public improvements (curbs, gutters, sidewalks, etc.) subject to the review and approval of the Public Works Department.
  - (b) Public improvements as shown on the public improvement plans.
- 77. Compliance with Agency letters as follows:
  - A. COUNTY OF SANTA BARBARA AIR POLLUTION CONTROL DISTRICT, LETTER DATED JUNE 13, 2008.
  - B. COUNTY OF SANTA BARBARA FIRE DEPARTMENT, LETTER DATED OCTOBER 23, 2008.
- 78. No signs are authorized with this permit. All signs require separate permits and shall comply with City of Goleta Chapter 35, Article I, Sign Regulations and with setbacks specified in Article III, Inland Zoning Ordinance.
- 79. The applicant shall be responsible for the completeness and accuracy of all forms and supporting materials submitted in connection with any application. Any errors or discrepancies found therein may constitute grounds for the revocation of any approvals.
- 80. The Vesting Final Tract Map approval runs with the land and the rights and obligations thereof, including the responsibility to comply with conditions of approval, shall be binding upon successors in interest in the real property unless or until such permits are expressly abandoned.
- 81. Developer agrees, as a condition of this approval, at developer's own expense, to indemnify, defend, and hold harmless the City and its agents, officers, and employees from and against any claim, action, or proceeding to attack, review, set aside, void or annul, in whole or in part, the City's approval of the vesting tentative map, development plan, and road naming or any condition attached thereto or any proceedings, acts, or determinations taken, done or made prior to the approval that were part of the approval process.
- 82. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the City and no approval shall be issued unless substitute feasible mitigation measures are imposed.



Santa Barbara County  
Air Pollution Control District

Our Vision  Clean Air



To: City of Goleta, Planning & Environmental Services

Attn: Cindy Moore, Case Planner

From: Vijaya Jammalamadaka *VJ*

Date: June 13, 2008

Case #: Goleta 04-226-GP,-TM, -DP, -RN; Citrus Village – 7388 Calle Real

APN#: 077-490-043

The Air Pollution Control District has reviewed the referenced case and offers the following:

Standard dust mitigations (**Attachment A**) are recommended for all construction and/or grading activities. The name and telephone number of an on-site contact person must be provided to the APCD prior to issuance of land use clearance.

Fine particulate emissions from diesel equipment exhaust are classified as carcinogenic by the State of California. Therefore during project grading and construction and hauling, construction contracts must specify that contractors shall adhere to the requirements listed in **Attachment B** to reduce emissions of ozone precursors and fine particulate emissions from diesel exhaust.

Attachments

cc: Lisa Plowman, Agent  
Project File  
TEA Chron File

## Attachment A (Fugitive Dust Control)

These measures are required for all projects involving earthmoving activities regardless of the project size or duration. Proper implementation of these measures is assumed to fully mitigate fugitive dust emissions.

During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.

- Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
- If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
- Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
- After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
- The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading of the structure.
- Prior to land use clearance, the applicant shall include, as a note on a separate information sheet to be recorded with map, these dust control requirements. All requirements shall be shown on grading and building plans.

**Plan Requirements:** All requirements shall be shown on grading and building plans. **Timing:** Requirements shall be shown on plans prior to approval of Land Use Permit. Condition shall be adhered to throughout all grading and construction periods.

**MONITORING:** Lead Agency shall ensure measures are on project plans and maps to be recorded. Lead Agency staff shall ensure compliance onsite. APCD inspectors will respond to nuisance complaints.

## Attachment B (Diesel Particulate And NOx Emission Mitigations)

Particulate emissions from diesel exhaust are classified as carcinogenic by the state of California. Therefore, following is an updated list of control strategies that should be implemented to the maximum extent feasible.

- Only heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) shall be used.
- The engine size of construction equipment shall be the minimum practical size.
- The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
- Construction equipment shall be maintained in tune per the manufacturer's specifications.
- Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines.
- Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed on equipment operating on-site.
- Diesel powered equipment should be replaced by electric equipment whenever feasible.
- Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes; auxiliary power units should be used whenever possible.

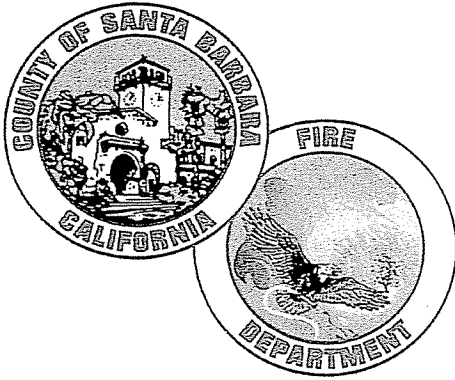
State law requires that drivers of diesel-fueled commercial vehicles weighing more than 10,000 pounds:

- shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location
- shall not idle a diesel-fueled auxiliary power system (APS) for more than 5 minutes to power a heater, air conditioner, or any ancillary equipment on the vehicle if you have a sleeper berth and you're within 100 feet of a restricted area (homes and schools).
- Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.

**Plan Requirements:** Measures shall be shown on grading and building plans. **Timing:** Measures shall be adhered to throughout grading, hauling and construction activities.

**MONITORING:** Lead Agency staff shall perform periodic site inspections to ensure compliance with approved plans. APCD inspectors shall respond to nuisance complaints.

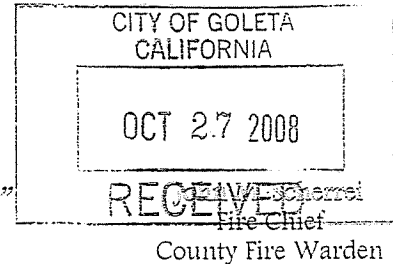




# Fire Department

*"Serving the Community Since 1926"*

4410 Cathedral Oaks Road  
Santa Barbara, CA 93110-1042  
(805) 681-5500 FAX (805) 681-5563



October 23, 2008

Ms. Cindy Moore, Planner  
Building Department, City of Goleta  
130 Cremona Drive, Suite B  
Goleta, CA 93117

Dear Ms. Moore:

SUBJECT: APN: 077-490-043; Permit #: 04GPC-226/TM,DP,DRB  
Site: Calle Real, Goleta  
Project Description: Citrus Village Subdivision

*This Memorandum Supersedes the Previous Memorandum Dated March 9, 2007  
Removal of Road Naming Requirements and Approval of New Design Layout Only*

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***ALL OTHER CONDITIONS REMAIN THE SAME***

The above project is located within the jurisdiction of the Santa Barbara County Fire Department, and to comply with the established standards, we submit the following:

**PRIOR TO ERECTION OF COMBUSTIBLE BUILDING MATERIALS  
THE FOLLOWING CONDITIONS MUST BE MET**

1. All access ways (public or private) shall be installed and made serviceable. Roadway plans, acceptable to the fire department, shall be submitted for approval prior to any work being undertaken.

The access road off Calle Real shall be a minimum width of 24 feet. No parking signage and red curbs will be required along this fire lane corridor. This shall also be noted in the homeowners association CC&R's that no parking is allowed on the main access road at any time.

The roadway and hammerhead turnaround area shall be constructed as shown on plans dated October 20, 2008.

Driveway width shall be a minimum of 24 feet.

2. **One (1)** fire hydrant shall be installed. The hydrant shall be located per fire department specifications and shall flow **1,250** gallons per minute at a 20 psi residual pressure. Prior to installation, plans showing locations, size and type of hydrant, valves, main lines and lateral lines shall be approved by the fire department.
3. Stop work immediately and contact the County Fire Department, Hazardous Materials Unit (HMU) at 686-8170 if visual contamination or chemical odors are detected while implementing the approved work at this site. Resumption of work requires approval of the HMU.

**PRIOR TO OCCUPANCY CLEARANCE  
THE FOLLOWING CONDITIONS MUST BE MET**

4. Santa Barbara County Fire Department fire sprinkler system requirements shall be met. Fire sprinkler system plans shall be approved prior to installation. Location of any fire department connection shall be determined by the fire department.

**Advisory Note:** Any building of 5,000 square feet or more shall be required to have an automatic fire sprinkler system installed.

5. Portable fire extinguisher(s) are required and shall be in accordance with the Santa Barbara County Code Chapter 15, Article 1.
6. Building address numbers shall be posted in conformance with fire department standards.
7. When access ways are gated, a fire department approved locking system shall be installed.
8. Payment of development impact fees is required. The fees shall be computed on each new building, including non-habitable spaces.

Fees will be calculated as follows:

- Mitigation Fee at \$.10 per square foot for structures with fire sprinkler systems
- Goleta Fees

These conditions apply to the project as currently described. Future changes, including but not limited to further division, change of occupancy, intensification of use, or increase in hazard classification, may require additional mitigation to comply with applicable development standards in effect at the time of change.

The application for a new building permit or time extension for the project may require further review and the imposition of current development standards and fees.

Non-compliance with conditions placed on this project could result in the issuance of a stop work order by the fire department, which may require additional fees and a delay in final occupancy clearance.

A fire department approved and stamped set of plans has been forwarded to the City of Goleta Building Department. If you have any questions or need clarification of any of the conditions contained in this letter, please contact this office.

In the interest of life and fire safety,



Brian Hayden, Inspector  
Fire Prevention Division

BH:jd

c Goleta Water District, 4699 Hollister Avenue, Goleta, CA 93110  
APN